

GAHC010049272023



**THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**

Case No. : I.A.(Civil)/715/2023

SMTI AKORI MAZUMDAR and 3 ORS
D/O LATE BOGAI ALIAS HAMID
R/O GOLAGHAT TOWN
WARD NO. 8
MAUZA MOUKHONA
DIST. GOLAGHAT
ASSAM.

2: SMT. TOSLIMA MAZUMDAR
D/O LATE BOGAI @ HAMID
R/O GOLAGHAT TOWN
WARD NO. 8
MOUZA MOUKHANA
DIST. GOLAGHAT
ASSAM.

3: MD. SHAIDUR MAZUMDAR @ BHAI
S/O LATE BOGAI @ HAMID
R/O GOLAGHAT TOWN
WARD NO. 8
MOUZA MOUKHANA
DIST. GOLAGHAT
ASSAM.

4: SMTI MOTIJAN MAZUMDAR
D/O LATE BOGAI @ HAMID
R/O GOLAGHAT TOWN
WARD NO. 8
MOUZA MOUKHANA
DIST. GOLAGHAT
ASSAM.
VERSUS

ON THE DEATH OF RESPONDENT NO. 1
HIS LEGAL HEIRS ARE AS FOLLOWS

1.1:SMTI HUSHNA MAZUMDAR
W/O MD. AFJUL MAZUMDAR @ AFZUL MAZUMDAR (SINCE DECEASED)

1.2:SMTI MUNU BEGUM

R/O GOLAGHAT TOWN
WARD NO. 8
MOUZA MOUKHANA
DIST. GOLAGHAT
ASSAM.

1.3:SIRAJUL MAZUMDAR
R/O GOLAGHAT TOWN
WARD NO. 8
MOUZA MOUKHANA
DIST. GOLAGHAT
ASSAM.

1.4:MIDUL MAZUMDAR
S/O LATE MD. AFJUL MAZUMDAR @ AFZUL MAZUMDAR (SINCE
DECEASED)
R/O GOLAGHAT TOWN
WARD NO. 8
MOUZA MOUKHANA
DIST. GOLAGHAT
ASSAM.

2:ON THE DEATH OF RESPONDENT NO. 2
HIS LEGAL HEIRS ARE AS FOLLOWS.

2.1:BIWA MAZUMDAR
W/O LATE MD. MERAZUL MAZUMDAR (SINCE DECEASED)
R/O GOLAGHAT TOWN
WARD NO. 8
MOUZA MOUKHANA
DIST. GOLAGHAT
ASSAM.

2.2:RUBUL MAZUMDAR
S/O LATE MD. MERAZUL MAZUMDAR (SINCE DECEASED)
R/O GOLAGHAT TOWN
WARD NO. 8
MOUZA MOUKHANA
DIST. GOLAGHAT
ASSAM.

2:3:YASHIN MAZUMDAR
S/O LATE MD. MERAZUL MAZUMDAR (SINCE DECEASED)
R/O GOLAGHAT TOWN
WARD NO. 8
MOUZA MOUKHANA
DIST. GOLAGHAT
ASSAM.

3:MD. BABUL MAZUMDAR
S/O LATE BHOLA MAZUMDAR (SINCE DECEASED)
R/O GOLAGHAT TOWN
WARD NO. 8
MOUZA MOUKHANA
DIST. GOLAGHAT
ASSAM.

4:MD. PUTUL MAZUMDAR @ TOFAJUL MAZUMDAR
S/O LATE BHOLA MAZUMDAR (SINCE DECEASED)
R/O GOLAGHAT TOWN
WARD NO. 8
MOUZA MOUKHANA
DIST. GOLAGHAT
ASSAM.

5:SMT. LAKHIMI MAZUMDAR
W/O MD. HANIF
R/O DOFALATING
NEAR DOFALATING TEA ESTATE
DIST. GOLAGHAT
ASSAM.

Advocate for : MD. A SAHAD
Advocate for : MR. A M DUTTA appearing for ON THE DEATH OF RESPONDENT
NO. 1

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

30.10.2024

Heard Mr. M.H. Ali, learned counsel for the applicants.

This application under Order XXII Rule 4A of the Code of Civil Procedure is preferred by the applicants to struck off the name of respondent No.6 from the array of the connected RSA.

The learned counsel for the applicants submits that during the pendency of the RSA No.114/2016, the respondent No.6 suffered demise and as such, the name of respondent No.6 may be struck off from the array of the connected RSA. The learned counsel for the applicants submits that the respondent No.6 died on 05.03.2020 leaving no legal representative for substitution and therefore, it is contended to allow the application.

Having heard the submission of learned counsel for the applicants, I have carefully gone through the petition.

It appears from the averment made in paragraph No.3 that the respondent No.6 Angurmai Begum Mazumdar expired on 05.03.2020 and she was unmarried and she left behind no legal representative for substitution.

Accordingly, this I.A. stands allowed.

The name of respondent No.6 may be struck off from the array of the connected RSA.

The learned counsel for the applicants shall file amended cause title within a period of 2(two) weeks from today.

Sd/- Robin Phukan
JUDGE

Comparing Assistant