

GAHC010026232024



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

**Case No. : I.A.(Civil)/3002/2024**

ON THE DEATH OF BASIR UDDIN BARBHUIYAN, HIS LEGAL HEIRS  
NAMELY

1.1: ABDUL MATIN BARBHUIYAN  
R/O VILL- BARNAGAD  
P.O.-KALIBARI BAZAR  
P.S.-ALGAPUR  
DIST-HAILAKANDI  
ASSAM  
PIN-788150

1.2: ANAMUDDIN BARBHUIYAN  
(SON)  
R/O VILL- BARNAGAD  
P.O.-KALIBARI BAZAR  
P.S.-ALGAPUR  
DIST-HAILAKANDI  
ASSAM  
PIN-788150

1.3: MUJIBUR RAHMAN  
(SON)  
R/O VILL- BARNAGAD  
P.O.-KALIBARI BAZAR  
P.S.-ALGAPUR  
DIST-HAILAKANDI  
ASSAM  
PIN-788150

1.4: SAFIQR RAHMAN  
(SON)  
R/O VILL- BARNAGAD  
P.O.-KALIBARI BAZAR  
P.S.-ALGAPUR

DIST-HAILAKANDI  
ASSAM  
PIN-788150

1.5: SAIRA BEGUM  
(DAUGHTER)  
R/O VILL- BARNAGAD  
P.O.-KALIBARI BAZAR  
P.S.-ALGAPUR  
DIST-HAILAKANDI  
ASSAM  
PIN-788150

1.6: SALINA BEGUM  
(DAUGHTER)  
R/O VILL- BARNAGAD  
P.O.-KALIBARI BAZAR  
P.S.-ALGAPUR  
DIST-HAILAKANDI  
ASSAM  
PIN-78815

VERSUS

ON THE DEATH OF MOIYUR ALI BARBHUIYA, HIS LEGAL HEIRS  
NAMELY

1.1:JAMIRUN NESSA BARBHUIYA  
W/O MOIYUR ALI BARBHUIYA

1.2:HILAL UDDIN BARBHUIYA  
(SON)

1.3:RIYAJUL HAQUE BARBHUIYA  
(SON)

1.4:SALEHA BEGUM BARBHUIYA  
(DAUGHTER)

1.5:AFRIYA BEGUM BARBHUIYA  
(DAUGHTER)

1.6:HUSSAIN AHMED BARBHUIYA  
(SON)

1.7:FARIZ UDDIN BARBHUIYA  
(SON)

2:MINARA BARBHUIYA  
W/O LT. ABDUL MANNAF BARBHUIYA

3:FATIMA BEGUM BARBHUIYA  
D/O LT. ABDUL MANNAF BARBHUIYA

4:MOJMUN NAHAR BARBHUIYA  
D/O LT. ABDUL MANNAF BARBHUIYA

5:NURUN NAHAR BARBHUIYA  
D/O LT. ABDUL MANNAF BARBHUIYA

6:GUL NAHAR BARBHUIYA  
D/O LT. ABDUL MANNAF BARBHUIYA

7:AMIR HUSSAIN BARBHUIYA  
S/O LT. ABDUL MANNAF BARBHUIYA

8:IMRAN HUSSAIN BARBHUIYA  
S/O LT. ABDUL MANNAF BARBHUIYA

9:KULCHUMA BEGAM BARBHUIYA  
D/O LT. ABDUL MANNAF BARBHUIYA

10:JAHANARA BEGUM BARBHUIYA  
D/O LT. ABDUL MANNAF BARBHUIYA

11:SAHARANA BEGUM BARBHUIYA  
D/O LT. MOKBUL ALI BARBHUIYA

12:KUTI MIA @ ABDUS SALAM BABRBHUIYA  
S/O LT. MOKBUL ALI BARBHUIYA

13:SUNABAN BIBI  
D/O LT. MOKBUL ALI BARBHUIYA. ALL ARE OF VILL- BARNAGAD  
P.O.-KALIBARI  
PH.-HAILAKANDI  
P.S.-ALGAPUR  
P.O.-KALIBARIBAZAR  
DIST- HAILAKANDI  
ASSAM  
PIN-788150

14:ABDUL KHALIQUE  
S/O LATE MOTOBAR ALI

15:DOLAI BIBI  
W/O LATE MOTOBAR ALI

C/O BOSIR ALI

16: MERAJAN BIBI  
D/O LATE MOTOBAR ALI  
C/O BOSIR ALI  
VILL- KALINAGAR PT-VIII

17: SOLMA BIBI  
D/O LATE MOTOBBAR ALI  
C/O MONJIR ALI  
VILL- ALGAPUR PT-1  
DIST-HAILAKANDI

18: NAMOR ALI  
S/O LATE SUNOHAR ALI

19: LALU MIA  
S/O LATE SUNOHAR ALI

20: ABU BAKKAR  
S/O LATE SUNOHAR ALI

21: NOZRUL ISLAM  
S/O LATE KUBAD ALI

22: KAMRUL ISLAM  
S/O LATE SUNOHAR ALI

23: FOKRUL ISLAM  
S/O LATE SUNOHAR ALI  
VILL- BARNAGAD  
DIST-HAILAKANDI

24: KHAIRUL ISLAM  
S/O LATE SURMAN ALI

25: NOR KHATUN  
D/O LATE MOSKANDER ALI  
VILL- CHANDIPUR PT-IV  
DIST-HAILAKANDI

26: SAMAR ALI  
S/O LATE MOBARAK ALI

27: ON THE DEATH OF SUNABAN BIBI  
HER LEGAL HEIRS  
AFTAB UDDIN LASKAR

- 28:AMOD ALI LASKAR  
LEGAL HEIR OF SUNABAN BIBI
- 29:AYESHA LASKAR  
LEGAL HEIR OF SUNABAN BIBI
- 30:ABDUL MOTIN  
S/O LATE MOTAB ALI
- 31:ABDUL JOLIL  
S/O LATE MOTAB ALI
- 32:JALAL UDDIN  
S/O LATE MOTAB ALI
- 33:SOIFUL BIBI  
D/O LATE ASODDAR ALI
- 34:BILATUN NESSA  
D/O LATE ASODDAR ALI  
C/O ABDUL KHALIQUE  
VILL- BARNAGAD  
DIST-HAILAKANDI
- 35:ANANTA KUMAR BISWAS  
S/O LATE ABHOY CHARAN BISWAS
- 36:AROBIND BISHWAS  
S/O LATE ABHOY CHARAN BISWAS
- 37:ANANGO BISHWAS  
S/O LATE ABHOY CHARAN BISWAS
- 38:AMRITH BISHWAS  
S/O LATE ABHOY CHARAN BISWAS
- 39:AKOY BISHWAS  
S/O LATE ABHOY CHARAN BISWAS
- 40:DEB DULLA BISHWAS  
S/O LATE ASHOTOSH BISHWAS  
HAILAKANDI TOWN W/NO. 4  
DIST-HAILAKANDI
- 41:AKIRUN BIB  
D/O MOSADDAR ALI  
VILL- BAHBARI PT-III  
DIST-HAILAKANDI

42:AMIRIN BIBI  
D/O MOSADDAR ALI  
VILL- BARNAGAD  
DIST-HAILAKANDI

43:ABDUR RASHID  
S/O LT. NUR ALI

44:ABDUL JALIL @ PAKKI  
S/O LT. NUR ALI

45:TASIRUN NESSA  
D/O LT. NUR ALI

46:MOZIBUR RAHAMAN  
S/O LATE ABDUL LATIF

47:HABIBUR RAHMAN  
S/O LATE ABDUL LATIF

48:KHALILUR RAHMAN  
S/O LATE ABDUL LATIF

49:AJIJUR RAHMAN  
S/O LATE ABDUL LATIF

50:SAJJADAR RAHMAN  
S/O LATE ABDUL LATIF  
VILL- CHANDIPUR PT.III  
DIST-HAILAKAND

**Advocate for the Petitioner** : MR. M H RAJBARBHUIYAN, MS. R CHETRI,MS S RASUL

**Advocate for the Respondent** : MD. A SAHAD,

Linked Case : I.A.(Civil)/845/2019

MD. BASIR UDDIN BARBHUIYA and 3 ORS  
S/O LATE ASSADAR ALI BARBHUIYA  
R/O VILL. BRNAGAD  
P.S KALIBARI BAZAR  
P.S ALGAPUR

DIST. HAILAKANDI  
ASSAM  
PIN 788150

2: MR .SIRAJ UDDIN BARBHUIYA  
S/O LATE ASSADAR ALI BARBUIYA  
R/O VILL. BRNAGAD  
P.S KALIBARI BAZAR  
P.S ALGAPUR  
DIST. HAILAKANDI  
ASSAM  
PIN 788150

3: MD. ABDUL MALIK BARBHUIYA  
S/O LATE ASSADAR ALI BARBUIYA  
R/O VILL. BRNAGAD  
P.S KALIBARI BAZAR  
P.S ALGAPUR  
DIST. HAILAKANDI  
ASSAM  
PIN 788150

4: MUSSTT. ALFAIN NESSA BIBI BARBHUIYA  
D/O LATE ASSADAR ALI BARBUIYA  
R/O VILL. BRNAGAD  
P.S KALIBARI BAZAR  
P.S ALGAPUR  
DIST. HAILAKANDI  
ASSAM  
PIN 788150  
VERSUS

ON THE DEATH OF KUTI MIYA @ ABDUS SALAM BARBHUIYA  
HIS LEGAL HEIRS REPRESENTING  
HAILAKANDI

2:AZIJUR RAHMAN BARBHUIYA (SON)  
VILL. BARAAGED  
P.O. KALIBARI BAZAR  
PIN 788150  
DIST. HAILAKANDI

3:IJJAJUR RAHMAN BARBHUIYA (SON)  
VILL. BARAAGED  
P.O. KALIBARI BAZAR  
PIN 788150  
DIST. HAILAKANDI

4:AJIBUR REHMAN BARBHUIYA (SON)  
VILL. BARAAGED  
P.O. KALIBARI BAZAR  
PIN 788150  
DIST. HAILAKANDI

5:RAZINA BEGUM BARBHUIYA (WIFE)  
VILL. BARAAGED  
P.O. KALIBARI BAZAR  
PIN 788150  
DIST. HAILAKANDI

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Advocate for : MR. M H RAJBARBHUIYAN  
Advocate for : appearing for ON THE DEATH OF KUTI MIYA @ ABDUS SALAM  
BARBHUIYA  
HIS LEGAL HEIRS REPRESENTING

Linked Case : RSA/71/2018

MD BASIR UDDIN BARBHUIYA and 3 ORS  
R/O VILL. BARNAGAD  
P.S. ALGAPUR  
DIST. HAILAKANDI  
ASSAM.

VERSUS

ON THE DEATH OF MOIYUR ALI BARBHUIYA HIS LEGAL HEIRS JAMIRUN  
NESSA BARBHUIYA and ORS  
VILL. BARNAGAD  
P.O. KALIBARI BAZAR  
PH HAILAKANDI  
P.S. ALGAPUR  
DIST. HAILAKANDI.

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Advocate for : MR. M H RAJBARBHUIYAN  
Advocate for : MR. A SAHAD (R1A-R13) appearing for ON THE DEATH OF  
MOIYUR ALI BARBHUIYA HIS LEGAL HEIRS JAMIRUN NESSA BARBHUIYA  
and ORS



**BEFORE  
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

**ORDER**

**Date : 03.10.2024**

1. Heard Mr. M. H. Rajbarbhuiyan, learned counsel for the applicant.
2. This application under Order XXII Rule 2 of the Code of Civil Procedure, 1908 for substitution of the legal heirs of the appellant No.1 Late Basir Uddin Barbhuiyan who had expired on 15.11.2023.
3. Since the application has been made within the period of limitation and as the legal heirs were supposed to be substituted are the sons and daughters of deceased respondent No.1.
4. Prayer is allowed.
5. The Registry to substitute the names of the legal heirs of the respondent No.1 as mentioned in paragraph No. 2 of this application in place of respondent No.1.
6. This Interlocutory Application is accordingly disposed of.
7. List the connected second appeal after making substitution in pursuance to this order.
8. List after Puja vacation.

**JUDGE**

**Comparing Assistant**