

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: SAFIQU'R 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 BARBUIYA, HIS LEGAL HEIRS
NAMELY

1.1:JAMIRUN NESSA BARBUIYA
W/O MOIYUR ALI BARBUIYA

1.2:HILAL UDDIN BARBUIYA
(SON)

1.3:RIYAJUL HAQUE BARBUIYA
(SON)

1.4:SALEHA BEGUM BARBUIYA
(DAUGHTER)

1.5:AFRIYA BEGUM BARBUIYA
(DAUGHTER)

1.6:HUSSAIN AHMED BARBUIYA
(SON)

1.7:FARIZ UDDIN BARBUIYA
(SON)

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

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

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

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

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

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

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

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

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

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

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

13:SUNABAN BIBI
D/O LT. MOKBUL ALI BARBUIYA. 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 BARBUIYA and 3 ORS
S/O LATE ASSADAR ALI BARBUIYA
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 BARBUIYA (SON)
VILL. BARAAGED
P.O. KALIBARI BAZAR
PIN 788150
DIST. HAILAKANDI

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

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

Linked Case : RSA/71/2018

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

VERSUS

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

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

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

ORDER

Date : 03.10.2024

1. Heard Mr. M. H. Rajbarbhuian, 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 Barbhuian 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