

GAHC010009902024



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

**Case No. : I.A.(Civil)/150/2024**

MD. MOKBUL HUSSAIN AND ANR  
S/O- LATE KAMARUDDIN, R/O- VILL.- NAYAGAON (SHOTMARI), P.S.  
MANIKPUR, DIST.- BONGAIGAON, ASSAM.

2: ABZOL HUSSAIN  
S/O- LATE KAMARUDDIN  
R/O- VILL.- NAYAGAON (SHOTMARI)  
P.S. MANIKPUR  
DIST.- BONGAIGAON  
ASSAM

VERSUS

MD. JALAL UDDIN @ JAMALUDDIN AND 17 ORS E  
S/O- LATE KAMARUDDIN, R/O- VILL. AND P.O.- NAYAGAON (SHOTMARI),  
P.S. MANIKPUR, DIST.- BONGAIGAON, ASSAM.

2:MD. ALAUDDIN @ ALAL UDDIN  
S/O- LATE KAMARUDDIN  
R/O- VILL. AND P.O.- NAYAGAON (SHOTMARI)  
P.S. MANIKPUR  
DIST.- BONGAIGAON  
ASSAM.

2.1:RASID KHATUN

W/O LATE ALAUDDIN @ ALAL UDDIN  
R/O VILL. AND P.O. NAYAGAON  
P.S. MANIKPUR  
DIST. BONGAIGAON  
ASSAM  
PIN 783384.

2.2:AMELA KHATUN

D/O LATE ALAUDDIN @ ALAL UDDIN  
R/O VILL. AND P.O. NAYAGAON  
P.S. MANIKPUR  
DIST. BONGAIGAON  
ASSAM  
PIN 783384.

2.3:IYA HIYA

S/O LATE ALAUDDIN @ ALAL UDDIN  
R/O VILL. AND P.O. NAYAGAON  
P.S. MANIKPUR  
DIST. BONGAIGAON  
ASSAM  
PIN 783384.

3:MUSSTT. KADBHANU BEWA  
D/O- LATE KAMARUDDIN  
R/O- VILL. AND P.O.- NAYAGAON (SHOTMARI)  
P.S. MANIKPUR  
DIST.- BONGAIGAON  
ASSAM.

4:ON THE DEATH OF KAMALA KHATOON  
HIS LEGAL HEIRS JAHAN ALI KHAN  
S/O- LATE MAGRAB ALI KHAN  
R/O- VILL.- BOLAIPATHAR  
P.O. KALGACHIA  
P.S. SORBHOG  
DIST.- BARPETA  
ASSAM.

5:ABDUL MAZID KHAN  
S/O- JAHAN ALI KHAN  
R/O- VILL.- BOLAIPATHAR  
P.O. KALGACHIA  
P.S. SORBHOG  
DIST.- BARPETA  
ASSAM.

6:MAYAN UDDIN KHAN  
S/O- JAHAR ALI KHAN  
R/O- VILL.- BOLAIPATHAR  
P.O. KALGACHIA  
P.S. SORBHOG  
DIST.- BARPETA  
ASSAM.

7:MOYNAL KHAN  
S/O- JAHAR ALI KHAN  
R/O- VILL.- BOLAIPATHAR  
P.O. KALGACHIA  
P.S. SORBHOG  
DIST.- BARPETA  
ASSAM.

8:ON THE DEATH OF AYMANA KHATUN  
HER LEGAL HEIR MD. ATOWAR RAHMAN  
S/O- LATE ESUB ALI  
R/O- VILL.- BOLAIPATHAR  
P.O. KALGACHIA  
P.S. SORBHOG  
DIST.- BARPETA  
ASSAM.

9:MD. ANOWAR HUSSAIN  
S/O- LATE ESUB ALI  
R/O- VILL.- BOLAIPATHAR  
P.O. KALGACHIA  
P.S. SORBHOG  
DIST.- BARPETA  
ASSAM.

10:MASTAFA ALI  
S/O- LATE ESUB ALI  
R/O- VILL.- BOLAIPATHAR  
P.O. KALGACHIA  
P.S. SORBHOG  
DIST.- BARPETA  
ASSAM.

11:RAHIMUDDIN  
S/O- LATE ESUB ALI  
R/O- VILL.- BOLAIPATHAR  
P.O. KALGACHIA  
P.S. SORBHOG  
DIST.- BARPETA  
ASSAM.

12:MUNIF ALI  
S/O- LATE ESUB ALI  
R/O- VILL.- BOLAIPATHAR  
P.O. KALGACHIA  
P.S. SORBHOG  
DIST.- BARPETA

ASSAM.

13:MUSSTT. SAKIA KHATOON  
D/O- LATE ESUB ALI  
R/O- VILL.- CHAKLA  
P.S. ABHAYAPURI  
DIST.- BONGAIGAON  
ASSAM

14:MUSSTT. ACHIYA KHATUN  
D/O- LATE ESUB ALI  
VILL.- AZIPUR  
P.S. SORBHOG  
DIST.- BARPETA  
ASSAM.

15:MUSSTT. MARIAN NESSA  
D/O- LATE ESUB ALI  
VILL.- KALGACHIA  
P.S. SORBHOG  
DIST.- BARPETA  
ASSAM.

16:MUSSTT. RAMELA KHATUN @ JABIA KHATUN  
W/O- RONJASN ALI  
D/O- LATE KAMARUDDIN  
VILL.- CHAKLA  
P.S. ABHAYAPURI  
DIST.- BONGAIGAON  
ASSAM

17:MUSSTT. MAYFUL KHATUN  
W/O- MABARAK HUSSAIN  
D/O- LATE ESUB ALI  
VILL.- CHAKLA  
P.S. ABHAYAPURI  
DIST.- BONGAIGAON  
ASSAM

18:MUSSTT. MONOWARA KHATUN  
W/O- AMZAD ALI  
D/O- LATE KAMARUDDIN  
VILL. AND P.O. NAYAGAON (SHOTMARI)  
P.S. MANIKPUR  
DIST.- BONGAIGAON  
ASSAM

**Advocate for the Respondent : MS. R CHOUDHURY**

Linked Case : RSA/90/2021

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VILL. AND P.O. NAYAGAON (SHOTMARI)

P.S. MANIKPUR  
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ASSAM.

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Advocate for : MR. M U MAHMUD  
Advocate for : MS. R CHOUDHURY (r-1-18) appearing for MD. JALAL UDDIN @  
JAMALUDDIN AND 17 ORS

**BEFORE  
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

**ORDER**

**22.03.2024**

This is an application under Order XXII Rule 4 of the Code of Civil Procedure, 1908 (for short, the Code) for substitution of the legal representatives of the respondent No.2 in view of the fact that the respondent No.2 expired on 09.10.2023.

2. This Court has also duly taken note of that the applicant was informed about the death of the respondent No.2 on 08.01.2024 and immediately on 12.01.2024, the said application was filed.

3. In that view of the matter, as the right to sue survives upon the legal representatives of the respondent No.2, this Court substitutes the opposite party Nos.2(i), 2(ii), 2(iii) against the name of the respondent No.2 in the accompanying appeal and they are arrayed in the accompanying appeal as respondent Nos.2(i), 2(ii) and 2(iii).

4. The applicant is directed to file a fresh Memo of parties before the Registry of this Court within 28.03.2024 and on the basis of the said amended Memo of



parties along with the instant order, the Registry shall make the necessary changes in the cause-title of the Memo of Appeal and also update the same in the CIS.

5. Interlocutory application accordingly stands allowed.

**JUDGE**

**Comparing Assistant**