

GAHC010051322022



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

Case No. : I.A.(Civil)/3437/2022

ON THE DEATH OF MUSSST MARIAM NESSA AND HER LEGAL HEIRS
NUR MAHAMMAD, S/O MUSSST MARIAM NESSA AND LATE SAN MAMUD,
R/O VILLAGE KANDHULIMARI, P.O. MITHAPUKHURI, DIST. NAGAON,
ASSAM, PIN 782124.

2: TOFAZUL HUSSAIN
S/O MUSSST MARIAM NESSA AND LATE SAN MAMUD
R/O VILLAGE KANDHULIMARI
P.O. MITHAPUKHURI
DIST. NAGAON
ASSAM
PIN 782124.

3: LOKMAN HAKIM
S/O MUSSST MARIAM NESSA AND LATE SAN MAMUD
R/O VILLAGE KANDHULIMARI
P.O. MITHAPUKHURI
DIST. NAGAON
ASSAM
PIN 782124.

4: SALEHA KHATUN
D/O LT. MUSSST MARIAM NESSA AND LATE SAN MAMUD
R/O VILLAGE FARHANIATI
JURIA
ASSAM.

5: SAJIDA KHATUN
D/O LT. MUSSST MARIAM NESSA AND LATE SAN MAMUD
R/O VILLAGE ROWMARIPAM
P.S. AND MOUZA JURIA
ASSAM
DISTRICT. NAGAON
ASSA

VERSUS

MD. HAMED ALI AND 28 ORS.
S/O- LATE ISMAIL KHAN, R/O- VILL.- MAIRABARI, MOUZA AND P.S.
MAIRABARI, DIST.- MORIGAON, ASSAM, PIN- 782126.

2:MD. KODOM ALI
S/O LATE AKTAR ALI
R/O VILLAGE MAIRABARI
DIST. MORIGAON
ASSAM
PIN 782126.

3:MD. ABDUL SATTAR
S/O LATE ABBAS ALI
R/O VILLAGE MAIRABARI
DIST. MORIGAON
ASSAM
PIN 782126.

4:MD. ABDUL AJIJ
S/O LATE ABBAS ALI
R/O VILLAGE MAIRABARI
DIST. MORIGAON
ASSAM
PIN 782126.

5:MD. ABDUL BARIK
S/O LATE ABBAS ALI
R/O VILLAGE MAIRABARI
DIST. MORIGAON
ASSAM
PIN 782126.

6:MD. ABDUL HAMED
S/O LATE ABBAS ALI
R/O VILLAGE MAIRABARI
DIST. MORIGAON
ASSAM
PIN 782126.

7:MD. AINUDDIN
S/O LATE MOTAB ALI
R/O VILLAGE MAIRABARI
MOUZA AND P.S. MAIRABARI
DIST. MORIGAON
ASSAM

PIN 782126.

8:MD. MAHAMMAD ALI
S/O LATE ABDUL RAHIM
R/O VILLAGE MAIRABARI
MOUZA AND P.S. MAIRABARI
DIST. MORIGAON
ASSAM
PIN 782126.

9:MD. AHAMMAD ALI
S/O LATE ABDUL RAHIM
R/O VILLAGE MAIRABARI
MOUZA AND P.S. MAIRABARI
DIST. MORIGAON
ASSAM
PIN 782126.

10:MD. SAMED ALI
S/O LATE ABDUL RAHIM
R/O VILLAGE MAIRABARI
MOUZA AND P.S. MAIRABARI
DIST. MORIGAON
ASSAM
PIN 782126.

11:MD. REJAK ALI
S/O LATE ABDUL RAHIM
R/O VILLAGE MAIRABARI
MOUZA AND P.S. MAIRABARI
DIST. MORIGAON
ASSAM
PIN 782126.

12:HAMD ALI
S/O LATE ABDUL RAHIM
R/O VILLAGE MAIRABARI
MOUZA AND P.S. MAIRABARI
DIST. MORIGAON
ASSAM
PIN 782126.

13:MD. SATTAR ALI

S/O LATE ABDUL RAHIM
R/O VILLAGE MAIRABARI
MOUZA AND P.S. MAIRABARI
DIST. MORIGAON

ASSAM
PIN 782126.

14:ABDUL BARIK
S/O LATE AMZAT ALI
R/O VILLAGE MAIRABARI
MOUZA AND P.S. MAIRABARI
DIST. MORIGAON
ASSAM
PIN 782126.

15:ABDUL HYE
S/O LATE AMZAT ALI
R/O VILLAGE MAIRABARI
MOUZA AND P.S. MAIRABARI
DIST. MORIGAON
ASSAM
PIN 782126.

16:ABDUL KARIM
S/O LATE AMZAT ALI
R/O VILLAGE MAIRABARI
MOUZA AND P.S. MAIRABARI
DIST. MORIGAON
ASSAM
PIN 782126.

17:ABDUL MANNAN
S/O LATE AMZAT ALI
R/O VILLAGE MAIRABARI
MOUZA AND P.S. MAIRABARI
DIST. MORIGAON
ASSAM
PIN 782126.

18:MUSST. HAZERA KHATUN
D/O LATE AMZAT ALI
R/O VILLAGE MAIRABARI
MOUZA AND P.S. MAIRABARI
DIST. MORIGAON
ASSAM
PIN 782126.

19:MD. MAFIZUL ISLAM
S/O LATE IBRAHIM ALI
R/O VILLAGE MAIRABARI
MOUZA AND P.S. MAIRABARI
DIST. MORIGAON

ASSAM
PIN 782126.

20:MD. ABDUL JALIL
S/O LATE AMZAT ALI
R/O VILLAGE MAIRABARI
MOUZA AND P.S. MAIRABARI
DIST. MORIGAON
ASSAM
PIN 782126.

21:HABIBUR RAHMAN
S/O LATE AMZAT ALI
R/O VILLAGE MAIRABARI
MOUZA AND P.S. MAIRABARI
DIST. MORIGAON
ASSAM
PIN 782126.

22:MD. MUJIBUR RAHMAN
S/O AINUDDIN
R/O VILLAGE MAIRABARI
MOUZA AND P.S. MAIRABARI
DIST. MORIGAON
ASSAM
PIN 782126.

23:MD. HABIBUR RAHMAN
S/O AINUDDIN
R/O VILLAGE MAIRABARI
MOUZA AND P.S. MAIRABARI
DIST. MORIGAON
ASSAM
PIN 782126.

24:MD. AHAMMAD ALI
S/O HAZI SIRAJ ALI
R/O VILLAGE MAIRABARI
MOUZA AND P.S. MAIRABARI
DIST. MORIGAON
ASSAM
PIN 782126.

25:MD. MAHAMMAD ALI
S/O HAZI SIRAJ ALI
R/O VILLAGE MAIRABARI
MOUZA AND P.S. MAIRABARI
DIST. MORIGAON

ASSAM
PIN 782126.

26:MD. AYUB ALI
S/O HAZI SIRAJ ALI
R/O VILLAGE MAIRABARI
MOUZA AND P.S. MAIRABARI
DIST. MORIGAON
ASSAM
PIN 782126.

27:MD. ABDUL SALAM
S/O AINUDDIN
R/O VILLAGE MAIRABARI
MOUZA AND P.S. MAIRABARI
DIST. MORIGAON
ASSAM, PIN 782126.

28:MD. NURUL HAQUE
S/O LATE IBRAHIM ALI
R/O VILLAGE TATIKATA
MOUZA AND P.S. MAIRABARI
DIST. MORIGAON
ASSAM, PIN 782126.

29:MUSST. JUBEDA KHATUN
W/O LATE YAKUB ALIALI
R/O VILLAGE TATIKATA
MOUZA AND P.S. MAIRABARI
DIST. MORIGAON
ASSAM, PIN 782126

Advocate for the Petitioner : MR. J AHMED, MS A HUSSAIN,MR. Z RAHMAN,MS. N HASINA

Advocate for the Respondent : MR. A J SARMA, MR G ALAM,MR. S K GHOSH

**BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN**

ORDER

30.10.2024

Heard Mr. J. Ahmed, learned counsel for the applicants and also heard Mr. S.K.

Ghosh, learned counsel for the respondent No.1.

This interlocutory application under Order XXII Rule 4 of the CPC is preferred by the applicants for substituting the legal representative of the appellant No.26.

Mr. Ahmed, learned counsel for the applicants submits that the appellant No.26 suffered demise on 16.02.2021 and as such, the legal representative of appellant No.26 may be substituted in the connected RSA.

Mr. Ghosh, learned counsel for the respondent No.1 submits that he has no objection in the event of substituting the legal representative of the appellant No.26.

Having heard the submission of learned counsel for both the parties, I have carefully gone through the petition and the documents placed on record and I find sufficient ground for permitting the applicants to substitute the legal representative of the appellant No.26 in the connected RSA.

Accordingly, this I.A. stands allowed.

The name of legal representative of the appellant No.26 may be substituted in the connected RSA and also in the condonation petition, as appellant/applicant Nos.26(a) to 26(e).

**Sd/- Robin Phukan
JUDGE**

Comparing Assistant