

GAHC010242382018



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

Case No. : I.A.(Civil)/3005/2023

KHALEDA BEGUM AND 5 ORS.
W/O LATE SONAMUDDIN SHEIKH, R/O JAGIROAD NAKHULA GRANT, P.O.
AND P.S. JAGIROAD, DISTRICT. MORIGAON, ASSAM, PIN 782105.

2: MD. SAHJAHAN SHEIKH

S/O LATE SONAMUDDIN SHEIKH
R/O JAGIROAD NAKHULA GRANT
P.O. AND P.S. JAGIROAD
DISTRICT. MORIGAON
ASSAM
PIN 782105.

3: MD. HAFIJUL SHEIKH

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4: MISS BIKISH BEGUM

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R/O JAGIROAD NAKHULA GRANT
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5: MISS RESMINA BEGUM

D/O LATE SONAMUDDIN SHEIKH

R/O JAGIROAD NAKHULA GRANT
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VERSUS

SRI KAMALESH JAIN and 12 ORS
S/O LATE GOPICHAND JAIN, R/O JAGIROAD NAKHULA, P.O. AND P.S.
JAGIROAD, DISTRICT. Morigaon, Assam, PIN 782105.

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3:MUSSTT. RABIA KHATUN

W/O MD. ADAM ALI
R/O JAGIROAD NAKHULA
P.O. AND P.S. JAGIROAD
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4:SRI SANJAY JAIN @ SANJAY BORJORIA

S/O LATE PREMCHAND BORJORIA
R/O JAGIROAD NAKHULA
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5:SMTI ABINASH KOUR

W/O MULUK SINGH SARDAR
R/O JAGIROAD NAKHULA
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W/O LATE UTTAM DAS
R/O JAGIROAD NAKHULA
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7:MUSSTT. FATEMA KHATUN

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R/O JAGIROAD NAKHULA
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R/O JAGIROAD NAKHULA
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9:MD. JUBUD DEWAN

S/O JUHUR ALI DEWAN
R/O KOPALKOTAP.O. SONAPUR
DISTRICT. MORIGAON
ASSAM.

10:MD. RAQUIB DEWAN

S/O JUHUR ALI DEWAN
R/O KOPALKOTAP.O. SONAPUR
DISTRICT. MORIGAON

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11:MUSSTT. AMINA KHATUN

W/O LATE FAJAL KARIM KHAN
R/O JAGIROAD NAKHULA
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12:MUSSTT. AJIBUN KHATUN

W/O MD. RAMJAN ALI
R/O JAGIROAD NAKHULA
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13:MUSSTT. AMIRUN KHATUN

D/O ISMAIL SHEIKH
R/O JAGIROAD NAKHULA
P.O. AND P.S. JAGIROAD
DISTRICT. MORIGAON
ASSAM
PIN 782105

Advocate for the Petitioner : MR. R PHUKAN

Advocate for the Respondent : MR. A SATTAR

Linked Case : I.A.(Civil)3006/2023

KHALEDA BEGUM AND 5 ORS
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P.O. AND P.S. JAGIROAD
DISTRICT. MORIGAON

ASSAM
PIN 782105.

Advocate for the applicant(s): Ms. Tinlung
On behalf of Mr. Ditul
Das

Advocate for the respondent(s): Mr. G Imtiaz

B E F O R E
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

26.04.2024

Both the applications are taken up together for disposal by this common order.

2. The appellant herein expired on 12.10.2017 leaving behind the applicants/petitioners in IA(C)No.3006/2023. Thereupon, the two applications have been filed. One for condoning the delay of 8 days and the other is an application for substitution of the legal representatives of the sole appellant in the accompanying second appeal.

3. This Court has perused the application and the grounds stated therein and is of the opinion that the same constitute sufficient cause for condoning the delay of 8 days. Accordingly, the delay stands condoned.

4. Further to that, this Court also taking into account that the right to sue survives upon the legal representatives of the deceased appellant, substitutes the applicants/petitioner Nos.1 to 6 as appellant Nos.1(a) 1(b), 1(c), 1(d), 1(e)

and 1(f) against the name of the deceased appellant in the accompanying regular second appeal.

5. The learned counsel appearing on behalf of the applicants is directed to file a fresh Memo of parties before the Registry of this Court by 03.05.2024 and the Registry shall on the basis of the instant order as well as the fresh Memo of parties make necessary correction in the cause-title of the accompanying regular second appeal and also update the same in the CIS.

6. Both the interlocutory applications, accordingly, stand disposed of.

JUDGE

Comparing Assistant