

GAHC010129952023



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

Case No. : I.A.(Civil)/1697/2023

ON THE DEATH OF JOYMONTA THAOSEN
HIS LEGAL HEIRS

1.1: SMT MANJO THAOSEN
W/O LATE JOYMONTA THAOSEN
VILL- NATUN DIALOTHI
P.O. AND MOUZA- LANGSTING
DIST- DIMA HASAO
ASSAM

1.2: JOYJET THOUSEN
S/O LATE JOYMONTA THAOSEN
VILL- NATUN DIALOTHI
P.O. AND MOUZA- LANGSTING
DIST- DIMA HASAO
ASSAM

1.3: KALIDHAR THOUSEN
S/O LATE JOYMONTA THAOSEN
VILL- NATUN DIALOTHI
P.O. AND MOUZA- LANGSTING
DIST- DIMA HASAO
ASSAM

1.4: JUHULAL THOUSEN
S/O LATE JOYMONTA THAOSEN
VILL- NATUN DIALOTHI
P.O. AND MOUZA- LANGSTING
DIST- DIMA HASAO
ASSAM

1.5: TUFANJAY THOUSEN
S/O LATE JOYMONTA THAOSEN
VILL- NATUN DIALOTHI

P.O. AND MOUZA- LANGSTING
DIST- DIMA HASAO
ASSAM

1.6: MISS MAYAMI THOUSEN
D/O LATE JOYMONTA THAOSEN
VILL- NATUN DIALOTHI
P.O. AND MOUZA- LANGSTING
DIST- DIMA HASAO
ASSAM

1.7: RINGJEN THOUSEN
S/O LATE JOYMONTA THAOSEN
VILL- NATUN DIALOTHI
P.O. AND MOUZA- LANGSTING
DIST- DIMA HASAO
ASSAM (MINOR)

1.8: MISS DIMASHRI THOUSEN
D/O LATE JOYMONTA THAOSEN
VILL- NATUN DIALOTHI
P.O. AND MOUZA- LANGSTING
DIST- DIMA HASAO
ASSAM (MINOR)

VERSUS

NATIONAL HIGHWAY AUTHORITY OF INDIA
SHANKAR MISSION ROAD, IN FRONT OF ITI NAGAON, ASSAM-782001

Advocate for the Petitioner : MS. S MEDHI

Advocate for the Respondent : SC, NHAI

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

28.06.2023

Heard Mr. D. Talukdar, learned counsel for the applicant and Mr. C. Barua,
learned counsel for the opposite party.

2. This interlocutory application is preferred by eight applicants namely, Smti Manjo Thaosen; Sri Joyjet Thousen; Sri Kalidhar Thousen; Sri Juhulal Thousen; Tufanjay Thousen; Miss Mayami Thousen; Sri Ringjen Thousen; and Miss Dimashri Thousen, being the legal heirs of Shri Joymonta Thaosen for substituting the name of the arbitrator as "Commissioner, Central Assam Division Nagaon Camp at Guwahati" in place of "Commissioner, Barak Valley Division" in the order dated 20.10.2022, passed by this court Arbitration Appeal No. 16/2015.

3. It is submitted at the Bar that this court, vide order dated 20.10.2022, in Arbitration Appeal no. 16/2015, has appointed the "Commissioner Barak Valley Division" as the Arbitrator and the directed the parties to appear before him. But, vide letter dated 13.12.2022, the "Commissioner Barak Valley Division" has informed the Deputy Registrar of this court that the office of the Commissioner of Hills & Barak Valley Division was re-named as "Commissioner Barak Valley Division" in the year 2016 with a curtailment of two district of Dima Hasao and Karbi Anglong from this Division. This resulted in the creation of another Division i.e. "Central Assam Division" with Dima Hasao and three other districts. As the area involved in the instant case falls beyond the jurisdiction of "Commissioner Barak Valley Division", he prays for substituting the name of the arbitrator as "Commissioner, Central Assam Division", Nagaon, Camp at Guwahati, in place of Commissioner, Barak Valley Division.

4. Mr. Barua, learned counsel for the opposite party submits that he has no objection in the event of allowing this IA by substituting the "Commissioner, Central Assam Division, Nagaon" in place of "Commissioner, Barak Valley Division".

5. Having heard the submission of learned counsel for both the parties and

considering the facts and circumstances on the record and also as agreed by submission of learned counsel for both the parties, "Commissioner, Central Assam Division, Nagaon" stands substituted in place of "Commissioner, Barak Valley Division" in the order dated 20.10.2022, in Arbitration Appeal no. 16/2015.

6. Now, the exercise, as directed in the order dated 20.10.2022, has to be carried out within a period of 3 [three] months from today.

7. This order, [passed in I.A.(Civil)/1697/2023] has to be read with the order dated 20.10.2022, passed in Arbitration Appeal no. 16/2015, for all the purposes.

JUDGE

Comparing Assistant