

GAHC040010452024



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

Case No. : IA(C)/131/2024

Yaagam Bogo

Son of Late Tumya Bogo, permanent resident of Dego Kamki village, PO and PS
Kamba, West Siang District, Arunachal Pradesh

VERSUS

Desso Bogo

Son of Late Dedek Bogo, permanent resident of Bogo village, Darak Circle, PO and
PS Kamba, West Siang District, Arunachal Pradesh

Advocate for the Petitioner : Dicky Panging

Advocate for the Respondent : Tabit Tapak

Linked Case : SAO/1/2020

TUMYA BOGO

Age: 50

Occupation :

Address:S/O LT. BETUM BOGO

R/O DEGO KAMKI VILLAGE

KAMBA

PO/PS KAMBA

WEST SIANG DISTRICT

A P.

VERSUS

SHRI DESSO BOGO

Age: 0

Occupation :

Address:DESSO BOGO

S/O LT. DEDEK BOGO

R/O BOGO VILLAGE

DARAK CIRCLE

PO/PS KAMBA

WEST SIANG DISTRICT

A P.

Advocate for : Dicky Panging

Advocate for : Tabit Tapak appearing for SHRI DESSO BOGO: Advocate appearing for respectively.

BEFORE
HONBLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 21.08.2024

Heard Ms. D. Tamuk, learned counsel for the applicant. Also heard Mr. A. Dalbong, learned counsel for the opposite party.

2. This application under Order XXII Rule 3 of the Code of Civil Procedure, 1908 has been filed by Shri Yaagam Bogo for substitution of his name as appellant in place of his deceased father in SAO (C) No. 01(AP)2020.

3. The learned counsel for the applicant has submitted that the father of the present applicant, namely Late Tumya Bogo had filed the SAO (C) No. 01(AP)2020 under XLIII Rule 1(u) of the Code of Civil Procedure, 1908, impugning the judgment and order dated 18.02.2020 passed by the learned District Judge, West Siang District, Aalo in Title Appeal No. 02/2019 in

connection with Title Suit No. 07/2017.

3. The learned counsel for the applicant has submitted that during pendency of the aforementioned second appeal, the father of the present applicant who was the sole appellant had passed away on 14.01.2023 after prolonged illness and as the present applicant is the sole legal heir of the appellant Late Tumya Bogo and is interested in continuing the aforesaid second appeal, it is prayed that his name may be substituted as sole appellant in place of his deceased father.

4. The learned counsel for the respondent does not object to the prayer.

5. Hence, the prayer is allowed.

6. The name of the applicant Shri Yaagam Bogo be substituted as appellant in place of the deceased appellant, namely, Late Tumya Bogo in SAO (C) No. 01(AP)2020.

7. This interlocutory application is accordingly, allowed.

8. The Registry to do the necessary substitution the SAO (C) No. 01(AP)2020 and thereafter, list the said appeal before this Court after a week.

JUDGE

Comparing Assistant