

GAHC010106012024



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

Case No. :

I.A.(Civil)/235/2023

ON THE DEATH OF FIROJA KHATUN
HER LEGAL HEIRS WAHID KHAN AND ORS.

VERSUS

RAJIA BEGUM and 10 ORS.
W/O MD. ALI HUSSAIN
VILL. JAGIROAD SILBHANGA
DIST. MORIGAON
ASSAM
PIN CODE 782410

2:MISS GEETANJALI TALUKDAR

D/O LATE DINESH TALUKDAR

RESIDENT OF VILLAGE BELTOLA TINAILI
PS BASISTHA
DIST KAMRUP M ASSAM 781028

3:SRI NABAJIT SARMA
S/O LATE PRAFULLA SARMAH

RESIDENT OF VILLAGE BARNARDDI
PS BARNARDDI
PS BELSWAR
DIST NALBARI
ASSAM 781304

4:SAFIKUR RAHMAN
S/O MD. AZIZUR RAHMAN

RESIDENT OF VILLAGE CHURCHURI

PO BARMARDDI
PS BELSWAR
DIST NALBARI
ASSAMM 781304

Advocate for : MR. S K DEKA
Advocate for : appearing for RAJIA BEGUM and 10 ORS.

In

RSA Case No. 199/2014

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

31.07.2024

- 1.** Heard Mr. J. Deka, learned counsel for the applicant. Also heard Mr. S.N. Ahmed, learned counsel for the respondent No. 1. Mr. K.K. Bhattacharyya, learned counsel for the respondent Nos. 2,3,4 and 6 as well as Mr. C. Baruah, learned counsel appearing for the respondent No. 5 and Ms. S. Sharma, learned counsel appearing for the respondent No. 7.
- 2.** This application under Section 5 of the Limitation Act, 1963 has been filed by the applicant, who is the legal heirs of Firoja Khatun, appellant, in RSA No. 199/2014 for condoning the delay of 137 days in filing the application for substitution of the appellant on her death.
- 3.** The counsel for the respondents has raised no objection against the said application.

4. I have gone through the grounds shown for the delay as mentioned in paragraph Nos. 2 to 8 as well as in the additional affidavit filed by the applicant.

5. Considering the submissions made by the learned counsel for the applicant, as well as considering the grounds shown for the delay in the condonation of delay application, this Court is of the considered opinion that the applicant has been able to show sufficient cause for delay in preferring the substitution application. Hence, the delay of 137 days in preferring the application for substitution is hereby condoned and this application is accordingly allowed and disposed of.

JUDGE

Comparing Assistant