

GAHC010004872009



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

Case No. : RSA/83/2009

SMTI. FULU BALA MEDHI and ORS
W/O SRI UTSAV CHANDRA MEDHI

2: SRI MOHAN CHANDRA MEDHI

3: SRI KAMAL CHANDRA MEDHI

4: SRI AKAN CHANDRA MEDHI
APPELLANT NOS. 2 TO 4 ARE SONS OF SRI UTSAV CHANDRA MEDHI
ALL ARE RESIDENTS OF DOOM DOOMA TOWN
DIST. DIBRUGARH
ASSAM

VERSUS

AIKON MEDHI and ORS
W/O LT. GIRISH CHANDRA MEDHI

2:SRI KUMUD MEDHI

3:SRI DHRUBA MEDHI

4:SRI BIREN MEDHI
RESPONDENT NOS 2
3 AND 4 ARE SONS OF LT. GIRISH CHANDRA MEDHI.

5:SRI KALPANA MEDHI

6:SRI ALPANA MEDHI

RESPONDENT NOS 5 AND 6 ARE DAUGHTES OF LT. GIRISH CHANDRA
MEDHI. ALL THE RESPONDENTS ARE RESIDENTS OF AZAD ROAD
POST OFFICE- DOOM DOOMA
DIST. DIBRUGARH
ASSAM

For the Petitioner(s) : Mr. S. Banik, Advocate

For the Respondent(s) : Mrs. T. Goswami

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 05.09.2024

Heard Mr. S. Banik, the learned counsel appearing on behalf of the Appellants and Mrs. T. Goswami, the learned counsel appearing on behalf of the Respondent Nos. 1, 4, 5 and 6.

2. It has been brought to the attention of this Court that the Respondent No.2 had expired on 24.10.2017 and the Respondent No.3 had expired on 30.06.2024.

3. Mr. S. Banik, the learned counsel appearing on behalf of the Appellants submitted that pursuant to the orders passed by this Court, attempts were made on various occasions thereby informing the Appellants to take steps for substitution of the legal heirs of the Respondent No.2. However, none has come forward to do so.

4. It is seen that the decree which has been passed by the learned First Appellate Court is a joint decree which cannot be severed. Under such circumstances, it is not possible for this Court to proceed with the appeal without the legal representatives of the Respondent No.2 being

brought on record by way of substitution. As already noted in the orders dated 30.05.2024 and 24.06.2024 that attempts were made so that the Appellants would substitute the legal representatives of the Respondent No.2 and the same not being done, this Court therefore closes the instant appeal on the ground that it has abated.

5. Accordingly, the instant appeal stands abated.

6. The Registry is directed to forthwith return the LCR to the learned Court below.

JUDGE

Comparing Assistant