

GAHC010013652019



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

Case No. : I.A.(Civil)/351/2019
in
Test.Cas./3/2005

MD. ABDUL MATLIB SAIKIA
S/O- LATE KASHIM ALI
R/O- NEARBY DEVADARU BYE LANE, RAJDHANI MASJID, DISPUR,
GUWAHATI- 6.

VERSUS

MD. IFTIQUER HUSSAIN AND 6 ORS
S/O- MD. RAHMATULLAH
R/O- F.A. ROAD, INFRONT OF BARMASHJID, MACHKHOWA, GUWAHATI-9.

2:MD. JAMIRUDDIN
S/O- LATE MANIRUDDIN
R/O- F.A. ROAD
NEAR STATFED KUMARPARA
GUWAHATI-9.

3:MD. BASIRUDDIN
S/O- LATE MANIRUDDIN
R/O- F.A. ROAD
NEAR STATFED KUMARPARA
GUWAHATI-9.

4:MD. SALEMUDDIN
S/O- LATE MANIRUDDIN
R/O- F.A. ROAD
NEAR STATFED KUMARPARA
GUWAHATI-9.

5:MD. NASIRUDDIN

S/O- LATE MANIRUDDIN
R/O- F.A. ROAD
NEAR STATFED KUMARPARA
GUWAHATI-9.

6:MAHAMMAD HUSSAIN
S/O- MD. ABDUL RAZAK
R/O- F.A. ROAD
NEAR STATFED KUMARPARA
GUWAHATI-9.

7:LAKHMAN HUSSAIN
S/O- MD. ABDUL RAZAK
R/O- F.A. ROAD
NEAR STATFED KUMARPARA
GUWAHATI-9

Advocate for the Petitioner : MR. SHEELADITYA

Advocate for the Respondent : MR Z MUKIT

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

26.06.2024

None appears for the applicant on call whereas Shri A. Sattar, learned counsel is present for the respondents.

2. There has been continuous default on the part of the applicant in this case. In fact, this Court on the last occasion i.e. 07.06.2024 had made an observation that appropriate orders would be passed in case of further non-appearance.

3. For ready reference, the said order is extracted hereinbelow-

“07.06.2024

None appears for the appellant on call whereas Shri G. Imtiyaz, learned counsel is present for the respondent no. 1.

Even on the last occasion i.e. 26.04.2024, none was present of the appellant.

In the interest of justice, a final opportunity is granted to the appellant directing listing of this case on 14.06.2024.

This Court however makes it clear that in case of further non-representation, appropriate orders would be passed.”

4. That apart, Shri Sattar, learned counsel has submitted that the appeal also stands abated from the year 2018 on the death of the appellant.
5. In view of the aforesaid facts and circumstances, the present application is dismissed for non-prosecution.

JUDGE

Comparing Assistant