

GAHC010204682023



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

Case No. : RSA/173/2018

MOHD ALAUDDIN AHMED
S/O LATE SAHAR ALI
R/O SAHAN
COLEGE ROAD
PO AND PS RANGIA
KAMRUP R ASSAM

VERSUS

SYED MIZANUR RAHMAN and 2 ORS
S/O LATE KHALILUR RAHMAN
R/O RANGIA WARD NO. 3
RANGIA TOWN
PS RANGIA
DIST KAMRUP ASSAM
PIN 781354

2:MOHD. ISAHAQUE ALI
S/O LATE SAHAR ALI
R/O SAHAN
COLEGE ROAD
PO AND PS RANGIA
KAMRUP R ASSAM
781354

3:SAHABUDDIN AHMED
S/O LATE SAHAR ALI
R/O WARD NO. 3
RANGIA TOWN COLLEGE GATE
PS RANGIA PIN 781354
DIST KAMRUP ASSAM

For the Appellant(s) : Ms. Z. Mukit, Advocate

For the Respondent(s) : Mr. P. Das, Advocate

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 05.04.2024

1. This Court vide an order dated 05.04.2024 rejected the application for condonation of delay being I.A.(Civil) No.31/2024; application for setting aside the abatement against the Respondent No.2 [I.A.(Civil) No.33/2024] as well as for application seeking substitution of the legal representatives of the Respondent No.2 [I.A.(Civil) No.32/2024]. Consequently, the instant appeal therefore abates against the Respondent No.2.
2. This Court further finds it relevant to take note of that on 09.06.2023, the learned counsel for the appellant duly informed this Court that the Respondent No.3 had also expired. Pursuant thereto, no steps was taken. Therefore, the instant appeal also abates against the Respondent No.3.
3. At this stage, this Court finds it very pertinent to take note of that the Respondent Nos. 2 and 3 jointly executed a Deed of Sale in favour of the Respondent No.1. The right to pre-emption was sought against the Respondent Nos. 2 and 3 and sans any interference with the First Appellate decree which had now become final, insofar as the Respondent Nos. 2 and 3 and the said decree being an inseverable decree, nothing survives in the instant proceedings to be adjudicated.
4. Therefore, the decree which has been passed by the learned First Appellate

Court had attained finality. The abatement of the instant appeal so far as the Respondent Nos. 2 and 3 therefore renders the entire appeal infructuous for which the instant appeal stands dismissed.

5. The Registry shall forthwith return the LCR (if any) to the Court below.

JUDGE

Comparing Assistant