

GAHC010088172024



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

Case No. : I.A.(Civil)/1375/2024

ON THE DEATH OF SIKANDAR ALI
HIS LEGAL HEIRS

1.1: TOSIRAN BEGAM
W/O LATE SIKANDAR ALI
R/O ANANDABAZAR NO. 1
NEAR ANANDANAGAR MASZID
P.O. AND P.S.-NOONMATI
GUWAHATI
DIST- KAMRUP (M)
ASSAM

1.2: FIZNUR HUSSAIN
S/O LATE SIKANDAR ALI
R/O ANANDABAZAR NO. 1
NEAR ANANDANAGAR MASZID
P.O. AND P.S.-NOONMATI
GUWAHATI
DIST- KAMRUP (M)
ASSAM

1.3: NAJIMUDDIN AHMED

S/O LATE SIKANDAR ALI
R/O ANANDABAZAR NO. 1
NEAR ANANDANAGAR MASZID
P.O. AND P.S.-NOONMATI
GUWAHATI
DIST- KAMRUP (M)

ASSA

VERSUS

MD. KARIM KAZI,
S/O LATE HARMUZ ALI KAZI, VILL- BALAGAON, P.S.-RANGIA, DIST-
KAMRUP (ASSAM), PIN-781354

Advocate for the Petitioner : MR F U BARBHUIYA, MR M HOQUE

Advocate for the Respondent : MR. P P DAS, MR. SURAJIT DAS,

BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 06.12. 2024

Heard Mr. FU Barbhuiya, learned counsel for the applicants and Mr. S. Das, learned counsel for the sole respondent.

This is an application filed under Section 5 of the Limitation Act, 1963 for condoning the delay of 40 days in filing the application for setting aside the abetment and substitution of the legal heirs of the deceased petitioner in CRP No. 122/2022.

The grounds for delay have been properly explained in paragraphs 3 and 4 of the application, I have perused the same.

On consideration, this court is satisfied that the applicants have properly explained the causes of delay in not filing the connected abetment and substitution petitions in time. Moreover, the learned counsel for the respondent has no objection for condonation of delay.

In view of the above, the delay of 40 days in filing the connected

abetment and substitution petition is hereby allowed.

The IA stands disposed of.

JUDGE

Comparing Assistant