

GAHC010288012023



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

Case No. : I.A.(Civil)/2021/2024

ULASHI DAS AND 3 ORS.
W/O LATE KAMAL DAS
RESIDENT OF KANWACHAL
GUWAHATI
PO SILPUKHURI
PS CHANDMARI
DIST KAMRUP M ASSAM 781003

2: SRI MANOJ KUMAR DAS
S/O LATE KAMAL DAS
RESIDENT OF KANWACHAL
GUWAHATI
PO SILPUKHURI
PS CHANDMARI
DIST KAMRUP M ASSAM 781003

3: SRI ANOJ DAS.
S/O LATE KAMAL DAS
RESIDENT OF KANWACHAL
GUWAHATI
PO SILPUKHURI
PS CHANDMARI
DIST KAMRUP M ASSAM 781003

4: SMTI INDIRA DAS
D/O LATE KAMAL DAS
RESIDENT OF KANWACHAL
GUWAHATI
PO SILPUKHURI
PS CHANDMARI
DIST KAMRUP M ASSAM 781003
VERSUS

ON THE DEATH OF LATE HEMENDRA NATH DEKA
HIS LEGAL HEIRS

1.1:NEPOLIN DEKA
S/O LATE HEMENDRA NATH DEKA
RESIDENT OF HOUSE NO. 43
KANWACHAL
GUWAHATI
PO SILPUKHURI
PS CHANDMARI
DIST KAMRUP M ASSAM 781003

1.2:MARVELIN DEKA
S/O LATE HEMENDRA NATH DEKA
RESIDENT OF HOUSE NO. 43
KANWACHAL
GUWAHATI
PO SILPUKHURI
PS CHANDMARI
DIST KAMRUP M ASSAM 781003

2:SRI RAJEN DEKA
S/O LATE NAGEN DEKA
RESIDENT OF HOUSE NO. 43
KANWACHAL
GUWAHATI

PO SILPUKHURI
PS CHANDMARI
DIST KAMRUP M ASSAM 781003

3:ON THE DEATH OF RESPONDENT NO 3. KARUNA DEKA
HIS LEGAL HEIRS SMTI JYOTSNA TALUKDAR
WO LATE KARUNA DEKA
R/O VILLAGE UTTAR DIMORIA
PO DHOPGURI
PS KHETRI
DISTRICT KAMRUP
ASSAM
PIN 782403

4:SMTI KIRITI DEKA SINGHA
DO LATE KARUNA DEKA
R/O VILLAGE UTTAR DIMORIA
PO DHOPGURI
PS KHETRI
DISTRICT KAMRUP
ASSAM

PIN 782403

5:SRI MANIB RATNAM DEKA
SO LATE KARUNA DEKA
R/O VILLAGE UTTAR DIMORIA
PO DHOPGURI
PS KHETRI
DISTRICT KAMRUP
ASSAM
PIN 782403

Advocate for : MR. T DEURI
Advocate for : MR. A SATTAR appearing for ON THE DEATH OF LATE
HEMENDRA NATH DEKA

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 16.08.2024

Heard Mr. T. Deuri, learned counsel for the applicants. Also heard Mr. G. Imtiaz, learned counsel for the respondent Nos. 3(i) to 3(iii).

This application under Section 5 of the Limitation Act, 1963 has been filed for condoning the delay of 32 days in preferring the substitution petition for substituting the legal heirs of Hemendra Nath Deka, who had expired on 17.11.2023.

The learned counsel for the applicants has submitted that by order dated 16.08.2024 i.e., today in I.A.(C) No. 2020/2024, the abatement of the connected RSA in respect of the late Hemendra Nath Deka has been substituted. The learned counsel for the applicants has submitted that the petitioner was prevented from approaching this Court within the period of limitation for substituting the legal heirs of opposite party for reasons mentioned in paragraph Nos. 6 and 7 of the condonation of delay application.

The learned counsel for the respondent Nos. 3(i) to 3(iii) does not have any objection for condoning the delay.

In view of the submissions made by the learned counsel for the parties as well as reasons shown in paragraph Nos. 6 and 7 of the condonation of delay application, this Court is of considered opinion that the applicants has sufficiently explained the reason for committing the delay in filing the substitution petition for substitution of legal heirs Hemendra Nath Deka, hence, the delay of 32 days in preferring the substitution petition is hereby condoned and this interlocutory application is hereby disposed of.

JUDGE

Comparing Assistant