

GAHC010121262024



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

Case No. : I.A.(Civil)/1902/2024

ON THE DEATH OF JAMUNA DEVI HER LEGAL HEIRS SAGARMAL
AGARWAL AND ORS
S/O- LT. KASHIRAM AGARWAL, R/O- EC-52, SALT LAKE CITY, SECTOR-I,
P.S. NORTH BIDHAN NAGAR, KOLKATA- 700064

2: INDU AGARWAL
W/O- SRI TRILOK CHAND AGARWAL
R/O- BE-223
SALT LAKE CITY
SECTOR-I
P.S. NORTH BIDHAN NAGAR
KOLKATA- 700064

3: USHA BAJAJ
W/O- SRI MAHABIR PRASAD BAJAJ
R/O- H.NO. 72
BANGUR AVENUE
BLOCK- B
KOLKATA- 700055

4: MANJU JHAJHARIA
W/O- PRADIP JHAJHARIA
R/O- H.NO. 33
BALLYGUNGE PARK ROAD
KOLKATA- 700019

5: SAROJ BUBNA
W/O- PRAMOD BUBNA
R/O- H.NO. 7A
PETORIA STREET
MIDDLETON ROW
KOLKATA- 700071

6: SUNITA KAYAN

W/O- SRI RAJENDRA KUMAR KAYAN
R/O- 86/1/11
ROY BAHADUR ROAD
BEHALA
CIRCUS AVENUE
KOLKATA- 700034

7: KAVITA ARYA
W/O- SURENDRA ARYA
R/O- CE-156
SALT LAKE CITY
SECTOR-I
KOLKATA- 700064

8: BABITA BAJAJ
W/O- JYOTI KUMAR BAJAJ
R/O- BF-307
SALT LAKE CITY
SECTOR-I
KOLKATA- 700064

9: SANJAY KUMAR AGARWALA
S/O- SRI SAGARMAL AGARWAL
R/O- EC-52
SALT LAKE CITY
SECTOR-I
P.S. NORTH BIDHAN NAGAR
KOLKATA- 70006

VERSUS

ON THE DEATH OF MD. IMRAN ALI AND 6 ORS
BEING REP. BY HIS LEGAL HEIRS

2: MUSST. GULSAN ARA BEWA @ BEGUM
W/O- LT. IMRAN ALI
R/O- VILL- DIGHALI
TIHU
BAKSA DISTRICT
BODOLAND TERRITORIAL REGION
ASSAM

3: REHENA BEGUM @ MISS KAUSAR YASMIN TABASSUM
D/O- LT. IMRAN ALI
R/O- VILL- DIGHALI
TIHU
BAKSA DISTRICT
BODOLAND TERRITORIAL REGION

ASSAM

4:SULE ISLAM SULTAN @ MISS RAHANA TASMIN
D/O- LT. IMRAN ALI
R/O- VILL- DIGHALI
TIHU
BAKSA DISTRICT
BODOLAND TERRITORIAL REGION
ASSAM

5:SUBRATA GHOSH
S/O- LT. SUDHIR GHOSH
PROPRIETOR
M/S LEELA GAS
CHAPAGURI ROAD
BONGAIGAON
P.S.
P.O. AND DIST.- BONGAIGAON
ASSAM
PIN- 781036

6:RUBUL HAZARIKA
S/O- MD. SAYED ALI
CHAPAGURI ROAD
BONGAIGAON
P.O. AND DIST.- BONGAIGAON
ASSAM
PIN- 781036

7:KURESI AASIFA TABASSUM
D/O- LT. ANOWAR ALI
W/O- LT. YUSUF ALI
R/O- VILL- DIGHELI
MOUZA- NAMATI
P.O. TIHU
NALBARI DISTRICT
ASSAM
PIN- 781371

8:KURESI ARMINA TABASSUM
D/O- LT. ANOWAR ALI
W/O- LT. YUSUF ALI
R/O- VILL- DIGHELI
MOUZA- NAMATI
P.O. TIHU
NALBARI DISTRICT
ASSAM
PIN- 781371

9:LUTFA KHATUN
D/O- LT. YUSUF ALI
W/O- USBAND ABDUL HANNAN
R/O- SONAPUR
P.O. SONAPUR
KAMRUP DISTRICT
ASSAM
PIN- 782402

10:FIROZA KHATUN
W/O- SOLEMAN ALI
R/O- CHAMATA
P.O. CHAMATA
NALBARI DISTRICT
ASSAM
PIN- 78130

Advocate for the Petitioner : MR D J MEDHI, MR D J MEDHI,MR S KHOUND

Advocate for the Respondent : ,

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 05.08.2024

- 1.** Heard Mr. S. Khound, learned counsel as well as Mr. D. J. Medhi, learned counsel for the applicants. Also heard Mr. C. Sarma, learned counsel appearing for the respondent Nos. 1(a), 1 (b), 1(c) and 2.
- 2.** This Interlocutory Application has been filed by the applicant under Order 3 Rule 4 of the Code of Civil Procedure, 1908 seeking leave of this Court for determination of the appointment of counsel for the applicants.
- 3.** Learned counsel for the applicants has submitted that in this case by order dated 09.09.2022, the notices were issued to the respondents and however, notices on respondent Nos.4 to 7 could not be served and the same returned without service. Thereafter, by order dated 21.02.2024, the Lawazima

Court directed the applicant to take fresh steps for service of notice on respondent Nos. 4 to 7 by Dasti mode.

4. It is submitted by learned counsel for the applicants that the engaged counsel thereafter requested the applicants over phone to provide the correct address of the respondents but till date the applicants have not responded to the request made by the counsel and failed to take any steps in that regard, neither any further instructions have been given by the applicant in that regard.

5. It is further submitted by the learned counsel for the applicants that thereafter, on several occasion this Court directed taking of steps by applicant, however, the applicant did not made any response to the request of the learned counsel for the petitioner that effect.

6. It is submitted by learned counsel for the applicant that under such circumstances, the counsel has decided to withdraw his vakalatnama from the said case and accordingly, on 04.06.2024, the applicant wrote a letter to the Joint Registrar (Judicial) informing about the letter dated 03.06.2024 sent by counsel to the applicants informing about their intention of withdraw from the said case.

7. Learned counsel for the applicants has also submitted a copy of track consignment report of the letter sent to the applicants and on perusal of the same, it appears that the letter sent by the learned counsel for the applicant has been delivered to the addressee on 08.06.2024 against the consignment No. RS602161126IN.

8. Under the above circumstances, the application for the withdrawal of vakalatnama by the counsel for the applicant is allowed and the engagement of Mr. D. J. Medhi, Ms. U. Baruah and Mr. S. Khound as the engaged counsel for the applicants is hereby determined under Order 3 Rule 4(2) of the Code of Civil

Procedure, 1908.

9. The Registry shall strike out the names of the aforesaid counsel as the engaged counsel for the applicants and shall not show their name in the cause list henceforth.

10. This Interlocutory Application is accordingly disposed of.

11. List the CRP No. 99/2022 with I.A.(Civil) No.2722/2022, after two weeks from the date of this order.

JUDGE

Comparing Assistant