

GAHC010128542022



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

Case No. : I.A.(Civil)/2315/2022

ON THE DEATH OF YAKUB ALI
HIS LEGAL HEIRS NAMELY

1.1: SAHID BEGUM
W/O LATE YAKUB ALI

1.2: IKBAL HUSSAIN
SO OF LATE YAKUB ALI

1.3: IMDAD HUSSAIN
S/O LATE YAKUB AL
ALL ARE RESIDENTS OF VILL TAKUNABARI
P.S. MIKIRBHETA
DIST. MORIGAON
ASSAM

2: ON THE DEATH OF IBRAHIM ALI
HIS LEGAL HEIRS NAMELY

2.1: AMINA BEGUM
W/O LATE IBRAHIM ALI

2.2: IKRAMUL HUSSAIN
S/O LATE IBRAHIM ALI

2.3: HEDAYAT ULLAH
S/O LATE IBRAHIM ALI

2.4: SUBHANA BEGUM
D/O LATE IBRAHIM ALI

2.5: SEMIM SULTANA BEGUM
D/O LATE IBRAHIM ALI
ALL ARE RESIDENTS OF VILL. TAKUNABARI

P.S. MIKIRBETA
DIST. MORIGAON
ASSA

VERSUS

MUSST. BULBULI BEGUM and ANR.
W/O MAZIBUR RAHMAN

2:MD. GIASUDDIN

S/O MD. ABIDULLAH
BOTH ARE R/O VILL. TAKUNABARI
P.S. MIKIRBHETA
DIST. MORIGAON
ASSAM

Advocate for the Petitioner : MR M J QUADIR, MR. K MIRA

Advocate for the Respondent : ,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 11-12-2024

Heard Mr. M.J. Quadir, learned counsel for the applicant. None appears for the opposite party.

By filing this application under Section 5 of the Limitation Act, the applicant has prayed for condoning the delay of 161 days and 25 days in preferring the application for substitution of legal heirs of appellant no. 1 and appellant no. 2 respectively.

It is submitted by the learned counsel for the applicant that the appellant no. 1 expired on 30.10.2019 and it has been 995 days since his death and the appellant no. 2 expired on 13.01.2022 and it has been 160 days since his death.

As per the order of the Lawazima Court dated 02.12.2024, service in respect of respondent nos. 1 and 2 has been complete but none has appeared on behalf of the respondents.

As there is no objection made on behalf of the respondents, the delay of the aforesaid days is condoned.

The interlocutory application stands disposed of.

JUDGE

Comparing Assistant