

GAHC010137752022



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

Case No. : I.A.(Civil)/2570/2022

ON THE DEATH OF MONI DHUBI HIS LEGAL HEIRS SRI CHANDRA
SEKHAR DHUBI AND 2 ORS
S/O LATE MONI DHUBI,
RESIDENT OF VILLAGE LABAKPAR PART III, PO AND PS LAKHIPUR, DIST
CACHAR, ASSAM, 788098

2: SRI DILIP KUMAR DHUBI

S/O LATE SRINANDAN DHUBI

RESIDENT OF VILLAGE LABAKPAR PART III
PO AND PS LAKHIPUR
DIST CACHAR
ASSAM
788098

3: SRI JAGANNATH KUMAR DHUBI

S/O LATE SRINANDAN DHUBI

RESIDENT OF VILLAGE LABAKPAR PART III
PO AND PS LAKHIPUR
DIST CACHAR
ASSAM
78809

VERSUS

SMT. FULMATI ROY AND 7 ORS
W/O LATE SANAT ROY,
RESIDENT OF VILLAGE LALANG KITTA LABAKPAR, PO AND PS
LAKHIPUR, DIST CACHAR, ASSAM 788098

2:SRI SUMANTA ROY

S/O LATE SANAT ROY

RESIDENT OF VILLAGE LALANG KITTA LABAKPAR
PO AND PS LAKHIPUR
DIST CACHAR
ASSAM 788098

3:SMTI SARATHI TANTI

W/O LATE MAHINDRA TANTI

RESIDENT OF VILLAGE LALANG CHA BAGICHA
TARAPUR SHIBBARI ROAD
PO AND PS LAKHIPUR
DIST CACHAR
ASSAM 788098

4:SRI AKALU TANTI

S/O LATE MOHINDRA TANTI

RESIDENT OF VILLAGE LALANG CHA BAGICHA
TARAPUR SHIBBARI ROAD
PO AND PS LAKHIPUR
DIST CACHAR
ASSAM 788098

5:SRI BIPUL TANTI

S/O LATE MOHINDRA TANTI

RESIDENT OF VILLAGE LALANG CHA BAGICHA
TARAPUR SHIBBARI ROAD
PO AND PS LAKHIPUR
DIST CACHAR
ASSAM 788098

6:SMTI RAMPIYARI BARETHA

W/O LATE KISHORE BARETHA

RESIDENT OF VILLAGE AND PO DERBY TEA ESTATE
DIST CACHAR
ASSAM 788112

7:SMTI SUPTA BARETHA

W/O ANUP BARETHA

RESIDENT OF VILLAGE AND PO DERBY TEA ESTATE
DIST CACHAR

ASSAM 788112

8:SMTI SHANTI DHUBI
W/O PRATAP DHUBI

RESIDENT OF MALUGRAM
SILCHAR
WARD NO. 1
DIST CACHAR
ASSAM
78800

For the Petitioner(s) : Mr. S. D. Purkayastha, Advocate

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

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 01.05.2024

1. From the Office Note, it reveals that the Respondent No.3 had expired. Mr. S. D. Purkayastha, the learned counsel appearing on behalf of the Applicants submits that the Respondent No.3 is the mother of the Respondent Nos. 4 and 5.
2. Taking into account that the estate of the Respondent No.3 is duly represented, the learned counsel submitted that there is no further necessity of substituting the legal representatives of the Respondent No.3
3. Taking into account the said submission, the name of the Respondent No.3 is struck off.
4. This is an application under Section 5 of the Limitation Act, 1963 for condoning the delay of 22 days in preferring the accompanying Second Appeal

against the judgment and decree dated 14.02.2022 passed by the learned Civil Judge, No.1, Cachar at Silchar in Title Appeal No.18/2018.

5. This Court has duly perused the grounds as assigned in the instant application and has also heard Mr. H. Das, the learned counsel appearing on behalf of the Respondents who offers no objection.

6. Taking into account the above, this Court condones the delay of 22 days in preferring the accompanying Second Appeal.

7. Accordingly, I.A. stands disposed of.

8. Registry is directed to register the accompanying Second Appeal and list the matter in the column of Order XLI Rule 11 on 13.05.2024.

9. Mr. S. D. Purkayastha, the learned counsel shall serve a copy of the Memo of Appeal to Mr. H. Das, the learned counsel representing the Respondents.

10. The Registry is further directed to reflect the name of Mr. H. Das as the counsel for the Respondents.

JUDGE

Comparing Assistant