

GAHC010185922023



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

**Case No. : I.A.(Civil)/2505/2023**

ON THE DEATH OF AFJAL HUSSAIN  
HIS LEGAL HEIRS

1.1: AZIZUN NESSA  
W/O LATE AFZAL HUSSAIN  
R/O VILL. DALGAONKHUTI  
P.S. DALGAON  
DIST. DARRANG  
ASSAM.

1.2: ASIF RAJA HUSAIN

S/O LATE AFZAL HUSSAIN  
R/O VILL. DALGAONKHUTI  
P.S. DALGAON  
DIST. DARRANG  
ASSAM.

1.3: ZAKIA SALMA SAIFEE  
D/O LATE AFZAL HUSSAIN  
R/O VILL. DALGAONKHUTI  
P.S. DALGAON  
DIST. DARRANG  
ASSAM.

1.4: ANISA SAIFEE  
W/O LATE AFZAL HUSSAIN  
R/O VILL. DALGAONKHUTI  
P.S. DALGAON  
DIST. DARRANG  
ASSAM.

2: MD. TAJAJAL HUSSAIN

BOTH SONS OFSAHIRUDDIN AHMED  
VILL. DALGAONKHUTI  
P.S.DALGAON  
DIST.DARRANG  
ASSAM.  
VERSUS

MUSSTT. AMENA BIBI ALIAS KHATUN  
W/O LATE DILDAR ALI

1.3:MD. AMARUDDIN

S/O LATE DILDAR ALI  
BOTH R/O VILL. DALGAONKHUTI  
P.S. DALGAON  
DIST. DARRANG  
ASSAM.

1.4:MUSSTT. JAMENA KHATUN

W/O HAJAR ALI  
VILL. CHAKARABASTI  
P.S. DALGAON  
DIST. DARRANG  
ASSAM.

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Advocate for : MR. A SATTAR

Advocate for : MR H R A CHOUDHURY appearing for MUSSTT. AMENA BIBI  
ALIAS KHATUN

**BEFORE**  
**HONOURABLE MR. JUSTICE ROBIN PHUKAN**

**ORDER**

**Date : 08-11-2024**

Heard Mr. Z. Mukit, learned counsel for the applicant/appellant also heard Ms. S. Das, learned counsel for the respondent Nos. 1,2 & 3.

This is an application under Order XXII Rule 3, read with Order I Rule 10(2) and Section 151 of the CPC, 1908 is preferred by the applicant for substitution of legal heirs of the appellant No.1 Afzal Hussain, who suffered demise on 13.05.2023, leaving behind four legal heirs which is reflected in the paragraph No.2 of the application, as respondent Nos. 1(a), 1(b), 1(c) and 1(d).

The learned counsel for the respondents submits that she has no objection in impleading the legal heirs of the deceased appellant No.1.

In view of the submission of learned counsel for both the parties and also considering the facts and circumstance on the record, this petition stands allowed. The name of the legal heirs of the appellant No.1, namely, Azizun Nessa(wife) as 1(a), Asif Raja Hussain (son) as 1(b), Zakia Salma Saiffee (Daughter) as 1(c), Anisa Saiffee (Daughter) as 1(d) be substituted in place of appellant No.1.

The learned counsel for the applicant shall file amended cause-title within period of one week from today.

In terms of above, the I.A. Stands disposed of.

Registry to amend the cause-title.

**JUDGE**

**Comparing Assistant**