

GAHC010243922024



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

Case No. : I.A.(Civil)/3725/2024

SMTI BINA KALITA AND 2 ORS
W/O LT. LOHIT KALITA, R/O VILL. KENDUGURI, P.O. KENDUGURI, MOUZA
DIPILA, DIST. DARRANG, ASSAM

2: KUSHAL KALITA
S/O LT. LOHIT KALITA
R/O VILL. KENDUGURI
P.O. KENDUGURI
MOUZA DIPILA
DIST. DARRANG
ASSAM

3: INDRA KALITA
S/O LT. DAYARAM KALITA
R/O VILL. KENDUGURI
P.O. KENDUGURI
MOUZA DIPILA
DIST. DARRANG
ASSA

VERSUS

SRI AMULYA BARUA @ SRI AMULYA KALITA AND 4 ORS
S/O LT. GODA KALITA, VILL. KENDUGURI P.O. KENUGURI 784148, DIST.
DARRANG, ASSAM

2:DEVA KALITA
W/O MUNU BARMAN
D/O LT. GODA KALITA
C/O SARBESWAR TERANG
NARENGI PATTHAR KUARI P.O. SATGAON
GHY-781026
DIST. KAMRUP (M) ASSAM

3:RUHUNI KALITA
W/O LT. GODA KALITA
D/O LT. GODA KALITA
PRESENTLY RESIDING AT VILLAGE BHERUA
P.O. DUNI-784148
DIST. DARRANG
ASSAM

4:PRANATI KALITA
W/O SRI PRASANNA KALITA
D/O LT. GODA KALITA
PRESENTLY RESIDING AT VILL. NAMKHOLA BAHMOLLA
P.O. NAMKHOLA
DIST DARRANG
ASSAM

5:DANDUKA KALITA
W/O HARESHAR KALITA VILL. CHENGAPARA
MOUZA DIPILA
P.O. SIPAJAR
DIST. DARRANG
ASSA

Advocate for the Petitioner : MR. N DHAR, MR. T U LASKAR,MS. U BARUAH,MS. S DASGUPTA

Advocate for the Respondent : , MS M ROY (R-1,2,3,4)

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 12-12-2024

Heard Mr. T.U. Laskar, learned counsel for the applicant/appellant. Also heard Ms. M. Roy, learned counsel appearing for respondent nos. 1 – 4.

2. This application under Order 1, Rule 10(2) of the Code of Civil Procedure, 1908 has been filed by the applicant/appellant praying for striking out the name of profoma respondent no. 5, namely Smti Danduka Kalita from the memo of

appeal.

3. It is submitted by the learned counsel for the applicant/appellant that the said respondent no. 5 have not contested the suit before the trial court neither she contested the first appeal before the First Appellate Court and her presence may not be necessary for adjudication of the Regular Second Appeal no. 116/2021.

4. Learned counsel for the respondent nos. 1 – 4 has not raised any objection to the prayer made by the applicant/appellant.

5. Considering the averments made in the application as well as the submissions made by the learned counsel for the parties, the prayer is allowed.

6. The name of Smti Danduka Kalita may be striked out from the memo of appeal.

7. Registry to strike out the name of Smti Danduka Kalita from the cause title of the memo of appeal.

8. List the connected appeal again in the 1st week of January, 2025.

JUDGE

Comparing Assistant