

GAHC010255792022



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

Case No. : I.A.(Civil)/628/2024

SRI SRI DHAM RAM RAYER KUTI SATRA
SATRASAL, PRESENTLY REP. BY ITS SECRETARY, SRI MUKUNDA RAM
DAS, S/O- LATE CHINIRAM DAS, R/O- VILL- GAURIPUR, P.O- GAURIPUR,
DIST- DHUBRI, ASSAM

VERSUS

ABDUL KHALEQUE
S/O- ABDUL JABBAR, R/O- VILL RAM RAYERKUTI PT-II, P.O- GAURIPUR,
DIST- DHUBRI, ASSAM

Advocate for the Petitioner : MR.B K DAS

Advocate for the Respondent : MS. P BHATTACHARYA

Linked Case : I.A.(Civil)/629/2024

SRI SRI DHAM RAM RAYER KUTI SATRA
SATRASAL
PRESENTLY REP. BY ITS SECRETARY
SRI MUKUNDA RAM DAS
S/O- LATE CHINIRAM DAS
R/O- VILL- GAURIPUR
P.O- GAURIPUR
DIST- DHUBRI
ASSAM

VERSUS

ABDUL KHALEQUE

S/O- ABDUL JABBAR
R/O- VILL RAM RAYERKUTI PT-II
P.O- GAURIPUR
DIST- DHUBRI
ASSAM

Advocate for : MR.B K DAS
Advocate for : MS. P BHATTACHARYA appearing for ABDUL KHALEQUE

Linked Case : I.A.(Civil)/630/2024

SRI SRI DHAM RAM RAYER KUTI SATRA
SATRASAL
PRESENTLY REP. BY ITS SECRETARY
SRI MUKUNDA RAM DAS
S/O- LATE CHINIRAM DAS
R/O- VILL- GAURIPUR
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ASSAM

Advocate for : MR.B K DAS
Advocate for : MS. P BHATTACHARYA appearing for ABDUL KHALEQUE

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

05.04.2024

These three applications are taken up together for disposal.

2. The first application pertains to condonation of delay of 193 days; the second application pertains to setting aside of abetment; and the third application is for substitution of the legal representative. However, this Court duly takes note of the fact that the instant appeal has been filed by a Satra in the name and style of *Sri Sri Dham Ram Rayer Kuti Satra Satrasal*. The said Satra has a perpetual existence subject to the provisions of law and at the time of filing of the appeal was represented by its Secretary one Mukundo Ram Das. The said Mukundo Ram Das expired on 08.04.2020 and therefore an application has been filed for substitution of the present Secretary of the Satra i.e. Kamala Kanta Das.

3. Taking into account that the instant case does not fall within the ambit of Order XXII Rule 3 of the CPC, but is regulated by Order XXII Rule 10, all these applications are totally misconceived. However, for the ends of justice, the application for substitution is converted to an application under Order XXII Rule 10 of the Code.

4. This Court takes note of account that the earlier Secretary, who represented the Appellant had expired and presently the Secretary of the said

Satra is Shri Kamala Kanta Das. Accordingly, this Court directs that the cause-title of the instant appeal be amended as regards the name of the Appellant showing that the Satra is now being represented by Shri Kamala Kanta Das as its Secretary. Accordingly, all the three applications, therefore, stand disposed of with the above.

5. In view of the above, the learned counsel for the applicant is directed to file a fresh memo of parties before the Registry of this Court by 09.04.2024.

JUDGE

Comparing Assistant