

GAHC010286012023



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

Case No. : I.A.(Civil)/557/2024

ON THE DEATH OF MD. ABDUL MAZID HIS LEGAL HEIRS
MONUARA BEGUM, W/O LATE ABDUL MAZID, R/O CINNAMORA, JORHAT,
KATANI MOUZA, DIST., JORHA, ASSAM, PI 785008

2: SWAMIMA SULTANA
D/O LATE ABDUL MAZID
R/O CINAMORA
JORHAT KATNI MOUZA
DIST. JORHAT
ASSAM
PIN 78500

VERSUS

MUSSTT JARJINA RAHMAN and ANR
W/O LATE HABIBUR RAHMAN, R/O CINNAMORA GARH ALI, KATANI
MOUZA, DIST. JORHAT.

2:MD. ANJUMAN RAHMAN 2 FARHAD
W/O LATE HABIBUR RAHMAN
R/O CINNAMORA GARH ALI
KATANI MOUZA
DIST. JORHAT

Linked Case : RSA/84/2018

MD. ABDUL MAZID
R/O CINNAMORA
JORHAT
KATANI MOUZA
DIST.
JORHAT

VERSUS

MUSSTT JARJINA RAHMAN and ANR
R/O CINNAMORA GARH ALI
KATANI MOUZA
DIST. JORHAT

2:MD. ANJUMAN RAHMAN @FARHAD
R/O CINNAMORA GARH ALI
KATANI MOUZA
DIST. JORHAT.

For the appellant (s) : Mr. C. Goswami, Advocate

For the respondent (s) : Mr. I. Ahmed, Advocate

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

01.05.2024

This is an application filed under Order XXII Rule 3 of the Code of Civil Procedure, 1908 (for short, 'the Code') for substitution of the legal representatives of the Appellant Abdul Mazid who expired on 09.11.2023.

2. It appears from the said application that the sole appellant is survived by his legal representatives whose names have been duly mentioned at paragraph No.3 of the application.

3. Taking into account that right to sue survives upon the legal representatives of the original appellant, the instant application stands allowed.

4. The counsel for the applicants is directed to file a fresh Memo of Parties before the Registry of this Court by 06.05.2024 and on the basis thereof, the Registry shall make necessary correction to the cause title of the accompanying Regular Second Appeal and also update the same in the CIS.

5. In view of the above, the instant I.A. stands disposed of.

JUDGE

Comparing Assistant