GAHC010125432019

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

Case No. : I.A.(Civil)/2109/2020

DILIP KUMAR AGARWALLA
S/O. LATE PRAHLAD RAI AGARWALLA
R/O. J.P.R. ROAD
JORHAT TOWN
P.O. AND DIST.- JORHAT
ASSAM
PIN-785001

VERSUS

ARA JAHAN AND ANR.
W/O. DR. GAISUDDIN AHMED
GAUHATI UNIVERSITY CAMPUS
QUARTER NO. 125
P.O. JALUKBARI
GAUHATI
DIST. KAMRUP(M)
PIN- 781014.

2:ON THE DEATH OF HAJI NAIMUDDIN AHMED HIS LEGAL HEIRS
JORHAT
2.1:IRANI HAZARIKA
W/O. LATE HAJI NAIMUDDIN AHMED
R/O. BORPUL
A.T. ROAD
CHEUNI ALI
JORHAT-785001
2.2:AHMED ABID ABBASH
S/O. LATE HAJI NAIMUDDIN AHMED
R/O. BORPUL
A.T. ROAD
CHEUNI ALI

JORHAT-785001
2.3:AHMED AFRID ABBASH
S/O. LATE HAJI NAIMUDDIN AHMED
R/O. BORPUL
A.T. ROAD
CHEUNI ALI
JORHAT-785001
2.4:SHINY AHMED
D/O. LATE HAJI NAIMUDDIN AHMED
R/O. BORPUL
A.T. ROAD
CHEUNI ALI
JORHAT-785001

Advocate for : MR K K MAHANTA
Advocate for : appearing for ARA JAHAN AND ANR.

Link Case:

I.A.(Civil)/1880/2019

SHRI DILIP KUMAR AGARWALLA
S/O- LATE PRAHLAD RAI AGARWALLA, R/O- J.P.R. ROAD, JORHAT TOWN, P.O. AND DIST.- JORHAT, ASSAM.

VERSUS

MUST. ARA JAHAN and ANR
W/O- DR. GAISUDDIN AHMED, GAUHATI UNIVERSITY CAMPUS, QUARTER NO. 125, P.O. JALUKBARI, DIST.- KAMRUP(M), PIN- 781014.

2:HAJHI NAINUDDIN AHMED
S/O- LATE HASMATUDDIN AHMED
WARD NO. 19
CHEUNI ALI
JORHAT TOWN
DIST.- JORHAT
ASSAM

Advocate for the Petitioner : MR K K MAHANTA

Advocate for the Respondent :

BEFORE

THE HON'BLE MR JUSTICE PRASANTA KUMAR DEKA

O R D E R

21. 12. 2020

Heard Mr. K Singha, learned counsel for the applicant.

This is an application under Order XXII Rule 4 of the CPC for substitution of the deceased respondent No. 2 by his legal heirs whose names are as follows:

(i) Mrs. Irani Hazarika

(ii) Ahmed Abid Abbash

(iii) Ahmed Afrid Abbash

(iv) Miss Shiny Ahmed.

As the abatement has already been set aside, right to sue of the present applicant survive against the legal heirs of the deceased respondent No. 2.

Accordingly the substitution as sought for is allowed.

JUDGE

Comparing Assistant