GAHC010172402020

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

Case No. : I.A.(Civil)/2096/2020

MOHIR UDDIN SARKAR AND 4 ORS.
S/O. MD. RAHIM UDDIN SK., R/O. VILL. KALDOBA PT-II, P.S. AGOMONI, DIST. DHUBRI

2: MOZIBAR RAHMAN
S/O. MD. RAHIM UDDIN SK.
R/O. VILL. KALDOBA PT-II
P.S. AGOMONI
DIST. DHUBRI

3: HABIBAR RAHMAN
S/O. MD. RAHIM UDDIN SK.
R/O. VILL. KALDOBA PT-II
P.S. AGOMONI
DIST. DHUBRI

4: RAFIQUL ISLAM
S/O. MD. RAHIM UDDIN SK.
R/O. VILL. KALDOBA PT-II
P.S. AGOMONI
DIST. DHUBRI

5: SAFIQUL ISLAM
S/O. MD. RAHIM UDDIN SK.
R/O. VILL. KALDOBA PT-II
P.S. AGOMONI
DIST. DHUBR

VERSUS

MORIUM BIBI AND 10 ORS.
W/O. KHABIR UDDIN ALI, R/O. VILL. KALDOBA PT-II, P.O. KALDOBA, P.S. AGOMONI, DIST. DHUBRI

2:ON THE DEATH OF NASIMON BEWA HER LEGAL HEIRS
DHUBRI

2.1:BALAZON BIBI
D/O. LATE TENGNA MIAH
W/O. MOSSU SK.
R/O. VILL. BHERBHANGI
P.S. GLOAKGANJ
DIST. DHUBRI

2.2:PANER ALI
S/O. LATE TENGNA MIAH
R/O. VILL. KALDOBA PT-II
P.O. KALDOBA
P.S. AGOMONI
DIST. DHUBRI

2.3:ON THE DEATH OF SAMAD ALI HIS LEGAL HEIRS
DHUBRI

2.3.1:MARZINA BIBI
W/O. LATE SAMAD ALI
R/O. VILL. KALDOBA PT-II
P.O. KALDOBA
P.S. AGOMONI
DIST. DHUBRI

2.3.2:MAHIDUL HOQUE
S/O. LATE SAMAD ALI
R/O. VILL. KALDOBA PT-II
P.O. KALDOBA
P.S. AGOMONI
DIST. DHUBRI

2.3.3:MAHIBUL RAHMAN
S/O. LATE SAMAD ALI
R/O. VILL. KALDOBA PT-II
P.O. KALDOBA
P.S. AGOMONI
DIST. DHUBRI

2.3.4:HOSHNARA BEGUM
D/O. LATE SAMAD ALI
R/O. VILL. KALDOBA PT-II
P.O. KALDOBA
P.S. AGOMONI
DIST. DHUBRI

2.3.5:RINGKU BEGUM
D/O. LATE SAMAD ALI
R/O. VILL. KALDOBA PT-II
P.O. KALDOBA
P.S. AGOMONI
DIST. DHUBRI

2.4:SAMSUL HOQUE
S/O. LATE TENGNA MIAH
R/O. VILL. KALDOBA PT-II
P.O. KALDOBA
P.S. AGOMONI
DIST. DHUBRI

2.5:MOINUL HOQUE
S/O. LATE TENGNA MIAH
R/O. VILL. KALDOBA PT-II
P.O. KALDOBA
P.S. AGOMONI
DIST. DHUBRI

2.6:MOZMUL HOQUE
S/O. LATE TENGNA MIAH
R/O. VILL. KALDOBA PT-II
P.O. KALDOBA
P.S. AGOMONI
DIST. DHUBRI

2.7:NAZRUL HOQUE
S/O. LATE TENGNA MIAH
R/O. VILL. KALDOBA PT-II
P.O. KALDOBA
P.S. AGOMONI
DIST. DHUBRI

3:FULLOW BEWA
D/O. RAHIM UDDIN SK
R/O. VILL. KALDOBA PT-II
P.O. KALDOBA
P.S. AGOMONI
DIST. DHUBRI
PIN-783335

4:KHABIR UDDIN ALI @ FAKAR UDDIN SK
S/O. KORBAN ALI
R/O. VILL. KALDOBA PT-II
P.O. KALDOBA
P.S. AGOMONI

DIST. DHUBRI
PIN-783335

5:MOZBUL HOQUE
S/O. LATE TENGNA MIAH
R/O. VILL. KALDOBA PT-II
P.O. KALDOBA
P.S. AGOMONI
DIST. DHUBRI
PIN-783335

6:SAMSUL HOQUE
S/O. LATE TENGNA MIAH
R/O. VILL. KALDOBA PT-II
P.O. KALDOBA
P.S. AGOMONI
DIST. DHUBRI
PIN-783335

7:MOINUL HOQUE CHOUDHURY
S/O. LATE TENGNA MIAH
R/O. VILL. KALDOBA PT-II
P.O. KALDOBA
P.S. AGOMONI
DIST. DHUBRI
PIN-783335

8:BAREK ALI
S/O. LATE SAYED BEPARI
R/O. VILL. KALDOBA PT-II
P.O. KALDOBA
P.S. AGOMONI
DIST. DHUBRI
PIN-783335

9:THE STATE OF ASSAM
REP. BY THE COLLECTOR
DHUBRI
P.O. AND DIST. DHUBRI

10:THE SETTLEMENT OFFICER
DHUBRI
P.O. AND DIST. DHUBRI

11:THE ASSTT. SETTLEMENT OFFICER
GOLAKGANJ CIRCLE
P.O. GOLAKGANJ
DIST. DHUBR

Advocate for the Petitioner : MR.H R A CHOUDHURY

Advocate for the Respondent : MS. M KALITA

Linked Case : RSA/163/2015

MD MOHIR UDDIN SARKAR and 4 ORS
S/O MD. RAHIM UDDIN SK.

VERSUS

MST MORIUM BIBI and 16 ORS
W/O KHABIR UDDIN ALI

Advocate for : MR.H R A CHOUDHURY
Advocate for : MS.M KALITAR-1
2ato2g
3to8 appearing for MST MORIUM BIBI and 16 ORS

BEFORE

THE HON'BLE MR JUSTICE PRASANTA KUMAR DEKA
O R D E R

14. 12. 2020

Heard Mr. D Chakraborty, learned counsel for the applicants. Ms. M Hore, learned counsel for the respondent Nos. 1, 2(a) to 2(g) and 3 to 8 is present and Mr. CKS Baruah, learned counsel for the respondent Nos. 9 to 11 is present.

This is an application under Order 22 Rule 4 of the CPC for substitution of the respondent No. 2 (C) Samad Ali who died on 16.09.2020 leaving behind the following legal heirs:

C (i). Marzina Bibi

W/O Late Samad Ali

C (ii). Mahidul Hoque

S/O Late Samad Ali

C (iii). Mahibul Rahman

S/O Late Samad Ali

C (iv). Hoshnara Begum

D/O Late Samad Ali

C (v) Ringku Begum

D/O Late Samad Ali

The substitution application is filed well within the limited period stipulated and the learned counsel for respondents has no objection. Accordingly, this petition is allowed.

JUDGE

Comparing Assistant