GAHC010293862019

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

Case No. : I.A.(Civil) 4075/2019

1:SMTI LABANYA PHUKAN and 14 ORS
W/O LATE NIRAJA PHUKAN
R/O VILL. UTTAR JAJORI
PHUKANKHAT
P.O. BORMONIPUR
MOUZA SILPUKHURI
P.S. JAJORI
DIST. MORIGAON
ASSAM
PIN 782142

2: SMTI JIBESWARI PHUKAN
W/O LAE NIRAJA PHUKAN

3: SMTI RUPALI PHUKAN
W/O LATE KHIRAJA PHUKAN

4: NITUMONI PHUKAN
S/O LATE KHIRAJA PHUKAN

5: PRAHLAD PHUKAN
S/O LATE KHIRAJA PHUKAN

6: BHARGAV PHUKAN

S/O LATE KHIRAJA PHUKAN
ALL ARE R/O VILL. UTTAR JAJORI
PHUKANKHAT
P.O. BORMONIPUR
MOUZA SILPUKHURI
P.S.JAJORI
DIST. MORIGAON
ASSAM
PIN 782142

7: SMTI KUNDILA BORA

D/O LATE NIRAJA PHUKAN
R/O VILL. UTTAR JAJORI
PHUKANKHAT
P.O. BORMONIPUR
MOUZA SILPUKHURI
P.S. JAJORI
DIST. MORIGAON
ASSAM
PIN 782142

8: SHIVA PHUKAN
S/O LATE NIRAJA PHUKAN
R/O AMOLAPATTY
WARD NO. 10
B M ROAD
NAGAON TOWN
P.O. NAGAON
DIST. NAGAON
ASSAM
PIN 782001

9: SMTI HIRANYA PHUKAN

D/O LATE NIRAJA PHUKAN

10: RAMAKANTA PHUKAN

S/O LATE NIRAJA PHUKAN

11: PRABHAT PHUKAN

S/O LATE NIRAJA PHUKAN
ALL ARE R/O VILL. UTTAR JAJORI
PHUKANKHAT
P.O. BORMONIPUR
MOUZA SILPUKHURI
P.S. JAJORI
DIST. MORIGAON
ASSAM
PIN 782142

12: SMTI NIJARA PHUKAN

D/O LATE NIRAJA PHUKAN

13: SWARUP PHUKAN

S/O LATE BIRAJA PHUKAN

14: KUSHAL PHUKAN

S/O LATE BIRAJA PHUKAN

15: SMTI NALINIBALA PHUKAN

D/O LATE BIRAJA PHUKAN
ALL ARE R/O PHUKANKHAT
P.O. BORMONIPUR
MOUZA SILPUKHURI
DIST. MORIGAON
ASSAM
PIN 782142
VERSUS

1:ON THE DEATH OF HEMA KANTA GOGOI HIS LEGAL HEIR HEMA LATA GOGOI and 3 ORS
W/O LATE HEMA KANTA GOGOI
R/O BIREN MAHANTA ROAD
AMOLAPATTY
NAGAON TOWN
P.O. NAGAON
DIST. NAGAON
ASSAM
PIN 782001

2:SHYAMAL INDU GOGOI
S/O LATE HEMA KANTA GOGOI
R/O BIREN MAHANTA ROAD
AMOLAPATTY
NAGAON TOWN
P.O. NAGAON
DIST. NAGAON
ASSAM
PIN 782001

3:DILIP KUMAR GOGOI
S/O LATE LALURAM GOGOI
R/O BIREN MAHANTA ROAD
AMOLAPATTY
NAGAON TOWN
P.O. NAGAON
DIST. NAGAON
ASSAM

PIN 782001

4:DEBA KANTA GOGOI
S/O LATE LALURAM GOGOI
R/O BIREN MAHANTA ROAD
AMOLAPATTY
NAGAON TOWN
P.O. NAGAON
DIST. NAGAON
ASSAM
PIN 782001

Advocate for the Petitioner : MR. M DUTTA
Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA

O R D E R

24.01.2020

Heard Mr. M. Dutta, learned counsel for the applicants and MR. R. Sarma, learned counsel for the respondents.

The respondent No.1 died during the pendency of the appeal on 28.01.2018. The right to sue or to be sued of the respondent No.1 survived even upon his death. Accordingly, the legal heirs of the said respondent are required to be substituted.

Accordingly, the opposite parties No.1(a) Smti Hema Lata Gogoi, wife of late Hema Kanta Gogoi and opposite party No.1(b) Sri Shyamal Indu Gogoi, son of late Hema Kanta Gogoi are impleaded as respondent Nos.1(a) and 1(b) in the accompanying RSA 310/2017.

Registry to incorporate necessary correction in the cause title of RSA 310/2017.

Interlocutory application is allowed.

JUDGE

Comparing Assistant