GAHC010089302026

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

Case No. : I.A.(Civil)/671/2024

GOUTAM BORUAH
S/O- SRI GANESH BORUAH
R/O- DULIA GAON
MOUZA- GARAMUR
DIST.- JORHAT
ASSAM

VERSUS

ATUL CH. SAIKIA AND ORS
S/O- LATE JOGESH SAIKIA
DULIA GAON
GARAMUR MOUZA
DIST.- JORHAT.

2:ON THE DEATH OF JOGESWAR DUTTA
(PROFORMA RESPONDENT NO.2) HIS LEGAL HEIRS

2.1:MRS. SUKHADA KALITA

D/O LATE JOGNESWAR DUTTA
R/O BARUAHBARI GAON
P.O. MAOUT GAON
JORHAT
PIN 785101.

2.2:MRS. CHITRAPRABHA KALITA

D/O LATE JOGNESWAR DUTTA
R/O KAMARMATI GAON
P.O. MAOUT GAON
JORHAT

PIN 785101.

2.3:LEGAL HEIR OF ATUL CHANDRA DUTTA

S/O LATE JOGNESWAR DUTTA
R/O GARMUR DULIA GAON
JEC ROAD
P.O. JORHAT ENGINEERING COLLEGE

JORHAT
PIN 785007
ASSAM

2.3.1:MRS. LUTUMONI DUTTA

W/O LATE ATUL CHANDRA DUTTA
R/O GARMUR DULIA GAON
JEC ROAD
P.O. JORHAT ENGINEERING COLLEGE

JORHAT
PIN 785007
ASSAM

2.3.2:MR. ANUPAM DUTTA

S/O LATE ATUL CHANDRA DUTTA
R/O GARMUR DULIA GAON
JEC ROAD
P.O. JORHAT ENGINEERING COLLEGE

JORHAT
PIN 785007
ASSAM

2.3.3:MR. SANKARJYOTI DUTTA

S/O LATE ATUL CHANDRA DUTTA
R/O GARMUR DULIA GAON
JEC ROAD
P.O. JORHAT ENGINEERING COLLEGE

JORHAT
PIN 785007
ASSAM

2.4:MRS GITALI DUTTA

D/O LATE JOGNESWARDUTTA
R/O NAOBOICHA GAON
NEMATI ROAD
JORHAT
PIN 785I01
ASSAM

2.5:MR. ARUP KUMAR DUTTA

S/O LATE JOGNESWAR DUTTA
R/O GARMUR DULIA GAON
JEC ROAD
P.O. JORHAT ENGINEERING COLLEGE

JORHAT
PIN 785007
ASSAM

2.6:MR. ARUN CHANDRA DUTTA

S/O LATE JOGNESWAR DUTTA
R/O GARMUR DULIA GAON
JEC ROAD
P.O. JORHAT ENGINEERING COLLEGE

JORHAT
PIN 785007
ASSAM

3:SRI RAMESH KUMAR MALPANI

S/O MULIDHAR MALPANI
R/O MAROWARI PATTY
JORHAT TOWN
DIST. JORHAT
ASSAM

Advocate for : MR. D BARUAH
Advocate for : MR. T J MAHANTA appearing for ATUL CH. SAIKIA AND ORS

In
RSA Case No. 86/2021
With
I.A.(C) Case No. 673/2024
In
RSA Case No. 86/2021

With
I.A.(C) Case No. 674/2024
In
RSA Case No. 86/2021

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

04.11.2026

[1] Heard Mr. D. Chakraborty, the learned counsel appearing for the applicant. Also heard Mr. A. Borua, the learned counsel for the opposite parties.

[2] The learned counsel for the applicant submits that even before filing of the connected regular second appeal No. 86/2021, the proforma respondent No. 2, Jogneswar Dutta had expired, i.e., on 16th March 2018. He submits that the said proforma respondent had not contested the suit or the first appeal. As such, his presence or the presence of his legal heirs may not be necessary for adjudication of the connected regular second appeal.

[3] Hence, he submits that the applicant is not pressing for the I.A. No. 671/2024, 673/2024 as well as 674/2024.

[4] Considering the submissions of the learned counsel for the applicant, the aforesaid interlocutory applications are dismissed on not being pressed.

JUDGE

Comparing Assistant