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

Case No. : I.A.(Civil)/1485/2026

GAUTAM BARUAH
SON OF GANESH BARUAH, RESIDENT OF DULIA GOAN, DISTRICTJORHAT, ASSAM.

VERSUS

ON THE DEATH OF ATUL CH SAIKIA, HIS LEGAL HEIRS
RESIDENT OF DULIA GOAN, GARMUR MOUZA, DISTRICT-JORHAT, ASSAM., PIN785007

1.1:ANJANA SAIKIA

WIFE OF LATE ATUL CH. SAIKIA

1.2:ABHINAB SAIKIA
SON OF LATE ATUL CH. SAIKIA BOTH ARE RESIDENT OF DULIA GOAN
GARMUR MOUZA
DISTRICT-JORHAT
ASSAM.
PIN785007

2:JOGNESWAR DUTTA

SON OF LATE SISURAM DUTTA
RESIDENT OF DULIA GOAN
JEC ROAD
PO-JORHAT ENGINEERING COLLEGE
DISTRICT-JORHAT
ASSAM.

3:SRI RAMESH KUMAR MALPANI

SON OF MULIDHAR MALPANI
MAROWARI PATTY
JORHAT TOWN
DISTRICT-JORHAT
ASSAM. .PROFORMA OPP. PARTIE

Advocate for the Petitioner : MR D CHOUDHURY, MR. R K SARMA

Advocate for the Respondent : MR. A BORUA,

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] This application under Order 22, Rule 4 of the Code of Civil Procedure, 1908 has been filed by the applicant for substituting the legal heirs of deceased respondent No. 1. There was a delay in filing the instant interlocutory application and due to the delay in the meanwhile, the connected regular second appeal also abated against respondent No. 1, however, this court has set aside the abatement and also condoned the delay of 16 days in preferring the instant interlocutory application.

[3] The learned counsel for the applicant submits that the respondent No. 1 had expired on

20.11.2025, leaving behind his wife Smt. Anjana Saikia and his son Sri Abhinab Saikia as his legal heirs. He prays for substituting the names of the legal heirs of deceased respondent in his place in the memo of appeal of the connected RSA No. 86/2021.

[4] The learned counsel for the opposite parties has raised no objection against the said prayer.

[5] Hence, the prayer is allowed.

[6] Accordingly, the name of Smt. Anjana Saikia and Sri Abhinab Saikia shall be substituted in place of the deceased respondent as respondent No. 1(i) and 1(ii) respectively.

[7] The applicant shall file a corrected cause title of the memo of appeal in the connected Regular Second Appeal No. 86/2021 before the next date fixed.

[8] This interlocutory application is accordingly disposed of.

JUDGE

Comparing Assistant