GAHC010105582026

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

Case No. : I.A.(Civil)/1886/2026

ON DEATH OF DUDH NATH CHAUHAN

HIS LEGAL HEIRS

1.1: JNANI DEVI
WIFE

1.2: DHUMAN CHAUHAN
SON

1.3: RADHIKA DEVI
DAUGHTER

1.4: SUBHAWATI CHAUHAN
DAUGHTER

1.5: MANJU KUMARI
DAUGHTERALL ARE RESIDENTS OF AMTOLA
MAUZA AND PS-HOJAI
DISTRICT- HOJAI
ASSAM

2: SRI PARAS NATH CHAUHAN
BOTH SONS OF LATE RAM NARESH NUNIA ALIAS CHAUHAN RESIDENT OF AMTOLA
MAUZA AND PS-HOJAI

3: ON DEATH OF BHAGIRATHI DEVI
HER LEGAL HEIRS

3.1: SHIB CHAUHAN

RESIDENT OF AMTOLA
MOUZA AND PS HOJAI

DIST HOJAI
ASSAM.

3.2: MACHINDRAR CHAUHAN
RESIDENT OF AMTOLA
MOUZA AND PS HOJAI
DIST HOJAI
ASSAM.

3.3: SABITA CHAUHAN
RESIDENT OF AMTOLA
MOUZA AND PS HOJAI
DIST HOJAI
ASSAM.

4: SMTI ANTI DEVI
WIFE OF SAT NARAYAN CHAUHAN VILLAGE- KHERONI LAMA PATHAR PS- KHERONI
DIST- KARBI ANGLONG

5: SMTI ROHIMA ALIAS JOSOMOTI DEVI
WIFE OF RABINDOR CHAUHAN YEARS YEARS VILLAGE- SAMAGURI GORBI PUKHURI CHARIALI
PS AND PHOWRAGHAT
DISTRICT- NAGAON
ASSAM
VERSUS

ON DEATH OF PROBHU NATH CHAUHAN
HIS LEGAL HEIRS

1.1:SUGIA DEVI
WIFE

1.2:SANTI DEVI
DAUGHTER

1.3:PRAVATI DEVI
DAUGHTER

1.4:MOTIYA DEVI
DAUGHTER

1.5:KAMLAVATI DEVI
DAUGHTER

1.6:SABITA DEVI
DAUGHTER

1.7:SANGEETA DEVI
DAUGHTER

1.8:SAMBABU CHAUHAN
SON ALL ARE RESIDENTS OF AMTOLA
MOUZA AND PS-HOJAI
DISTRICT- HOJAI
ASSAM
PIN -782435

2:SMTI RUKMINI DEVI
WIFE OF NANDALAL CHAUHAN VILLAGE- DANGORI BORI MOUZA AND PS- HOJAI
DISTRICT- HOJAI
PIN -782435 . PROFOMA RESPONDENT

Advocate for : MR D K NATH
Advocate for : MR. SHEELADITYA appearing for ON DEATH OF PROBHU NATH CHAUHAN

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 04.11.2026

1. Heard Mr. D. K. Nath, the learned counsel for the applicant.

2. It appears that on 19.08.2026, notices were issued to the opposite parties and in the office note maintained in the I.A.(C) No. 1887/2026, it appears that notices were duly served on the opposite parties. However, none has appeared for the opposite parties today.

3. This interlocutory application has been filed by the applicant/appellant for setting aside abatement of the connected appeal against deceased respondent No. 1 on failure of the appellant to substitute the legal heirs of the deceased respondent within the prescribed period of limitation.

4. The learned counsel for the applicant has submitted that in paragraph Nos. 3, 4, 7 and 8 of the instant interlocutory application, the applicant has stated the reasons for which the substitution application could not be filed within the prescribed period of limitation excepting the grounds stated by the applicant, the abatement of RSA No. 127/2020 on death of respondent No. 1 is hereby set aside and this interlocutory application is allowed.

JUDGE

Comparing Assistant