GAHC010105582026

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

Case No. : I.A.(Civil)/1887/2026

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
RESIDENTS OF AMTOLA
MAUZA AND PSHOJAI
DISTRICT- HOJAI
ASSAM

3.1: SHIB CHAUHAN
SON

3.2: MACHINDRAR CHAUHAN
SON

3.3: SABITA CHAUHAN
DAUGHTER ALL ARE RESIDENTS OF AMTOLA
MAUZA AND PSHOJAI
DISTRICT- 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 RESPONDEN

Advocate for the Petitioner : MR D K NATH, MS B SHARMA,MS M DAS

Advocate for the Respondent : MR. SHEELADITYA,

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. This interlocutory application has been filed by the applicant praying for substituting the legal heirs of the deceased respondent No. 1 who had expired during the pendency of the connected Regular Second Appeal No. 127/2020.

3. The learned counsel for the applicant submits that since the substitution application was not filed within the prescribed period of limitation, the Regular Second Appeal No. 127/2020 had expired against respondent No. 1. However, the said abatement has been set aside by this Court by the order dated 04.11.2026, passed in I.A.(C) 1886/2026.

4. This Court is of the opinion that a prayer for condoning the delay in

filing the substitution application has to be there. However, on the basis of the oral submissions made by the learned counsel for the applicant and as the abatement of the Regular Second Appeal No. 127/2020 against respondent No. 1 has been set aside, the delay in filing of the substitution application is also condoned and the legal heirs of deceased respondent No. 1, namely, Smt. Sugia Devi, Smt. Santi Devi, Smt. Pravati Devi, Smt. Motiya Devi, Smt. Kamlawati Devi, Smt. Sabita Devi, Smt. Sangeeta Devi and Sambabu Chauhan are substituted in place of deceased respondent No. 1 as respondent Nos. 1(i) to 1(viii).

5. The applicant/appellant shall file an amended amended cause-title in the memo of appeal in RSA No. 127/2020 before the next date.

6. This interlocutory application is accordingly disposed of.

JUDGE

Comparing Assistant