GAHC010107012010

2026:GAU-AS:16317

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

Case No. : RSA/173/2010

SMTI. NIRUPAMA KALITA TAMULI,
D/O LATE PADMANATH KALITA, RESIDING AT MAJGAON, HATBHANGA CHUBURI, MOUZA BHAIRABPAD, DIST. SONITPUR, ASSAM.

VERSUS

PHANIDHAR KALITA,
S/O LATE SARUNATH KALITA, RESIDING AT MAJGAON, HATBHANGA CHUBRI, MOUZA, BHAIRABPAD, DIST. SONITPUR, ASSAM.

Advocate for the Petitioner : MR.T C KHATRI, MR.S K SINGH,MRB PUSHILAL,MR.S K JAIN

Advocate for the Respondent : , MR.S SAHU,MR.P DEKA,MS.P BORAH,MS.B CHOUDHURY

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 06.11.2026

The appellant is not represented today. On 06.10.2026, it was submitted by the learned counsel for the respondent that the respondent had passed away and this case will be automatically abated. However, vide order dated 06.10.2026, on submission of the learned counsel for the respondent, notices were issued by the Registry to the appellant to inform, that respondent as well as the learned

counsel for the respondent Mr. T.C. Khetri had also passed away.

2. The appellants are not represented continuously since 01.11.2019. But, as this matter was placed for the first time after 01.11.2019, an opportunity was accorded to the appellants to be present. The appellants have been absent without steps continuously since 01.11.2019. An information was forwarded by the learned Advocate Ms. B.Choudhury to Mr. S.K. Jain, Mr. S.K. Singh and Mr. B. Pushilal whose names were shown as advocates for the respondents. However, it is submitted that Mr. B. Pushilal , one of the learned counsel for the appellant refused to accept the, intimation, but, the same was acknowledged and received by Mr. P. Sundi. Learned counsel Ms. B. Choudhury has affixed her signature on the information reflecting the date as 04.04.2022. Thus, it appears that the appellants were informed that the respondent had passed away and learned Advocate Mr.Priyanku Sundi had acknowledged and received the information dated 25.04.2022 acknowledging the receipt of the information. Thus , it appears that the information was received on 25.04.2022 by the appellants' side that the respondent had passed away.

3. This is a second appeal pending since 25.08.2010 and no steps have been taken by the appellants' side despite the fact that the appellants were informed about the demise of the respondents. The legal heirs of the respondents have also not been impleaded after the demise of the respondent, Phanidhar Kalita. No steps have been taken. The appellants are continuously absent without steps since 01.11.2019. On 01.11.2019 Mr. P Sundi was present for the appellant. When notices were issued to the appellants regarding the information that the respondent and the learned counsel Mr. TC Khatri had passed away, the notice was returned with postal remark as "insufficient address returned to sender." It

appears that the appellants are not interested to proceed with the case. The legal heirs of the respondent have also not been substituted despite the demise of the respondent on 25.01.2022. The information dated 04.04.2022 is marked as 'x' and will form a part of the record.

4. Considering all aspects, this appeal is dismissed due to non-prosecution by the appellant.

5. Send back the original records to the respective courts.

JUDGE

Comparing Assistant