

GAHC010213742024



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

Case No. : I.A.(Civil)/3283/2024

BIJU KALITA
W/O LATE KANDARPA KALITA, R/O BARKUCHI CHOWK, OPP. MALI
DHABA, P.O. MIRZA, P.S.PALASHBARI, DIST. KAMRUP, ASSAM. ALL ARE
LEGAL HEIRS OF LATE KANDARPA KALITA.

2: INDRAJIT KALITA

S/O LATE KANDARPA KALITA
R/O BARKUCHI CHOWK
OPP. MALI DHABA
P.O. MIRZA
P.S.PALASHBARI
DIST. KAMRUP
ASSAM. ALL ARE LEGAL HEIRS OF LATE KANDARPA KALITA.

3: ARCHANA KALITA
D/O LATE KANDARPA KALITA
R/O BARKUCHI CHOWK
OPP. MALI DHABA
P.O. MIRZA
P.S.PALASHBARI
DIST. KAMRUP
ASSAM. ALL ARE LEGAL HEIRS OF LATE KANDARPA KALITA

VERSUS

SMT REENA HAZARIKA CHUTIA
S/O SRI PRADIP KR. CHUTIA, R/O AZARA, P.O. and P.S. AZARA, DIST.
KAMRUP, ASSAM, PIN 781017

Advocate for the Petitioner : MR.N N UPADHAYA, MR. B B KAKATI

Advocate for the Respondent : MR. R SARMAH,

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN**

ORDER

09.01.2026

Heard Mr. N.N. Upadhaya, learned counsel for the applicant and Mr. A. Hussain, learned counsel for the opposite party.

2. This interlocutory application, under Order 22 Rule 3 read with Section 151 of the CPC, is preferred by the applicant for substitution of the names of the legal heirs of the deceased appellant, namely Kandarpa Kalita, in RSA No. 67/2016.

2. Mr. Upadhaya, learned counsel for the applicant submits that the appellant in RSA No. 67/2016, suffered demise on 23.10.2023 and in his place his legal representatives are required to be impleaded as appellants. Mr. Upadhaya further submits that other interlocutory applications for condonation of delay and setting aside the abetment have already been allowed by this Court and as such, this interlocutory application may also be allowed.

3. On the other hand, the learned counsel for the opposite party submits that he has no objection in the event of allowing this interlocutory application.

4. Accordingly, taking note of the submissions of learned counsel for both the parties and also considering the facts and circumstances on the record, this interlocutory application stands allowed.

5. The legal heirs and representatives of the deceased appellant, namely Kandarpa Kalita, be impleaded as appellants in RSA No. 67/2016.

6. Accordingly, Mr. Upadhaya, learned counsel for the applicant shall file amended cause-title of RSA No. 67/2016, after reopening of the vacation.
7. The registry shall list the matter after vacation.

JUDGE

Comparing Assistant