GAHC010236492023

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

Case No. : I.A.(Civil)/3851/2023

SRI URDHAB DUTTA AND 13 ORS
S/O LT. GAURANGA DUTTA
R/O CHAPARMUKH TOWN
MOUZA CHAHARI
P.S. RAHA
DIST. NAGAON (ASSAM)
PIN 782001

2: JADAV DUTTA
S/O LT. GAURANGA DUTTA
R/O CHAPARMUKH TOWN
MOUZA CHAHARI
P.S. RAHA
DIST. NAGAON (ASSAM)
PIN 782001

3: MADHAB DUTTA
S/O LT. GAURANGA DUTTA
R/O CHAPARMUKH TOWN
MOUZA CHAHARI
P.S. RAHA
DIST. NAGAON (ASSAM)
PIN 782001

4.1: SHIPRA BANIK
W/O LT. SANKAR BANIK
S/O LT. SANKAR BANIK
R/O CHAPARMUKH TOWN
P.O. CHAPARMUKH
DIST. NAGAON (ASSAM)
PIN 782001

4.2: GAUTAM BANIK
S/O LT. SANKAR BANIK
R/O CHAPARMUKH TOWN

P.O. CHAPARMUKH
DIST. NAGAON (ASSAM)
PIN 782001

4.3: SANJAY BANIK
S/O LT. SANKAR BANIK
R/O CHAPARMUKH TOWN
P.O. CHAPARMUKH
DIST. NAGAON (ASSAM)
PIN 782001

4.5: SMTI. GEETA BANIK (PAUL)
W/O SRI SIBU PAUL
R/O SANKARDEV COLONY
W/O NO. 5
P.O. MARIANI
DIST. JURHAT (ASSAM)
D/O LT. SANKAR BANIK

4.6: SMTI REETA BANIK (SINHA)
W/O SRI RAJASH SINHA
R/O HAIBORGAON
NEAR HANUMAN MANDIR
P.O. HAIBORGAON
DIST. NAGAON
ASSAM
D/O LT. SANKAR BANIK

5.1: SMTI DIPALI DUTTA
W/O LT. BIJOY DUTTA
R/O CHAPARMUKH TOWN
MOUZA
CHAHARI
P.S. RAHA
DIST. NAGAON
ASSAM.

5.2: SRI GOPAL DUTTA
S/O LT. BIJOY DUTTA
R/O CHAPARMUKH TOWN
MOUZA
CHAHARI
P.S. RAHA
DIST. NAGAON
ASSAM
PIN 782001.

5.3: SMTI PAYAL MAZUMDAR

D/O LT. BIJOY DUTTA
W/O KISHO MAZUMDER
R/O JAGIROAD KANABARI
PIN 782410.

5.4: SMTI KOYAL ROY

D/O LT. BIJOY DUTTA
W/O SADHAN ROY
R/O CHAPARMUKH MARWARIPATTI
PIN 782410.
VERSUS

SRI SANKAR RANJAN PAUL AND 12 ORS E
S/O LT. CHITTYA RANJAN PAUL
R/O PHAPARMUKH TOWN
MOUZA CHAHARI
P.S. RAHA
DIST. NAGAON
PIN 782001

2:KASHI PAUL
S/O LT. CHITTYA RANJAN PAUL
R/O PHAPARMUKH TOWN
MOUZA CHAHARI
P.S. RAHA
DIST. NAGAON
PIN 782001

3:GOPAL PAUL
S/O LT. CHITTYA RANJAN PAUL
R/O PHAPARMUKH TOWN
MOUZA CHAHARI
P.S. RAHA
DIST. NAGAON
PIN 782001

4.1:ON THE DEATH OF NARAYAN PAUL HIS LEGAL HEIRS
SUJATA RANI PAUL
W/O LT. NARAYAN PAUL
R/O PHAPARMUKH TOWN
MOUZA CHAHARI
P.S. RAHA
DIST. NAGAON
PIN 782001

4.2:PRIYANKA PAUL @ PUJA

D/O LT. NARAYAN PAUL

R/O PHAPARMUKH TOWN
MOUZA CHAHARI
P.S. RAHA
DIST. NAGAON
PIN 782001

5:GOBIND PAUL
S/O LT. CHITTYA RANJAN PAUL
R/O PHAPARMUKH TOWN
MOUZA CHAHARI
P.S. RAHA
DIST. NAGAON
PIN 782001

6:LAKHAN PAUL
S/O LT. CHITTYA RANJAN PAUL
R/O PHAPARMUKH TOWN
MOUZA CHAHARI
P.S. RAHA
DIST. NAGAON
PIN 782001

7:KRISHNA PAUL
S/O LT. CHITTYA RANJAN PAUL
R/O PHAPARMUKH TOWN
MOUZA CHAHARI
P.S. RAHA
DIST. NAGAON
PIN 782001

8:SHYAMAL PAUL
S/O LT. CHITTYA RANJAN PAUL
R/O PHAPARMUKH TOWN
MOUZA CHAHARI
P.S. RAHA
DIST. NAGAON
PIN 782001

9:SMTI ANJU SUTRADHAR (PAUL) @ SHUKLA
W/O LT. GAUTAM PAUL
DAUGHTER IN LAW OF LT. CHITTYA RANJAN PAUL
R/O CHAPARMUKH TOWN
MOUZA CHAHARI
P.S. RAHA
DIST. NAGAON
PIN 782001

10:SMTI ARUNABALAL PAUL
W/O LT. CHITTYA RANJAN PAUL

R/O CHAPARMUKH TOWN
MOUZA CHAHARI
P.S. RAHA
DIST. NAGAON
PIN 782001

11:SMTI PARUBALA PAUL
D/O LT. CHITTYA RANJAN PAUL
R/O CHAPARMUKH TOWN
MOUZA CHAHARI
P.S. RAHA
DIST. NAGAON
PIN 782001

Advocate for : MS B DEVI
Advocate for : MR. R K JAIN appearing for SRI SANKAR RANJAN PAUL AND 12 ORS E

Linked Case : RSA/309/2018

SRI URDHAB DUTTA AND 9 ORS
S/O LT. GAURANGA DUTTA
R/O CHAPARMUKH TOWN
MOUZA CHAHARI
P.S. RAHA
DIST. NAGAON (ASSAM)
PIN 782001

2: JADAV DUTTA
S/O LT. GAURANGA DUTTA
R/O CHAPARMUKH TOWN
MOUZA CHAHARI
P.S. RAHA
DIST. NAGAON (ASSAM)
PIN 782001

3: MADHAB DUTTA
S/O LT. GAURANGA DUTTA
R/O CHAPARMUKH TOWN
MOUZA CHAHARI
P.S. RAHA
DIST. NAGAON (ASSAM)
PIN 782001

4.1: SHIPRA BANIK
W/O LT. SANKAR BANIK
S/O LT. SANKAR BANIK

R/O CHAPARMUKH TOWN
P.O. CHAPARMUKH
DIST. NAGAON (ASSAM)
PIN 782001

4.2: GAUTAM BANIK
S/O LT. SANKAR BANIK
R/O CHAPARMUKH TOWN
P.O. CHAPARMUKH
DIST. NAGAON (ASSAM)
PIN 782001

4.3: SANJAY BANIK
S/O LT. SANKAR BANIK
R/O CHAPARMUKH TOWN
P.O. CHAPARMUKH
DIST. NAGAON (ASSAM)
PIN 782001

4.4: BAPPI BANIK
S/O LT. SANKAR BANIK
R/O CHAPARMUKH TOWN
P.O. CHAPARMUKH
DIST. NAGAON (ASSAM)
PIN 782001

4.5: SMTI. GEETA BANIK (PAUL)
W/O SRI SIBU PAUL
R/O SANKARDEV COLONY
W/O NO. 5
P.O. MARIANI
DIST. JURHAT (ASSAM)
D/O LT. SANKAR BANIK

4.6: SMTI REETA BANIK (SINHA)
W/O SRI RAJASH SINHA
R/O HAIBORGAON
NEAR HANUMAN MANDIR
P.O. HAIBORGAON
DIST. NAGAON
ASSAM
D/O LT. SANKAR BANIK

5: ON THE DEATH OF BIJOY DUTTA
HIS LEGAL HEIRS
NAMELY-

5.1: SMTI DIPALI DUTTA
W/O LT. BIJOY DUTTA

R/O CHAPARMUKH TOWN
MOUZA
CHAHARI
P.S. RAHA
DIST. NAGAON
ASSAM.

5.2: SRI GOPAL DUTTA
S/O LT. BIJOY DUTTA
R/O CHAPARMUKH TOWN
MOUZA
CHAHARI
P.S. RAHA
DIST. NAGAON
ASSAM
PIN 782001.

5.3: SMTI PAYAL MAZUMDAR

D/O LT. BIJOY DUTTA
W/O KISHO MAZUMDER
R/O JAGIROAD KANABARI
PIN 782410.

5.4: SMTI KOYAL ROY

D/O LT. BIJOY DUTTA
W/O SADHAN ROY
R/O CHAPARMUKH MARWARIPATTI
PIN 782410.
VERSUS

SRI SANKAR RANJAN PAUL AND 10 ORS
S/O LT. CHITTYA RANJAN PAUL
R/O PHAPARMUKH TOWN
MOUZA CHAHARI
P.S. RAHA
DIST. NAGAON
PIN 782001

2:KASHI PAUL
S/O LT. CHITTYA RANJAN PAUL
R/O PHAPARMUKH TOWN
MOUZA CHAHARI
P.S. RAHA
DIST. NAGAON
PIN 782001

3:GOPAL PAUL

S/O LT. CHITTYA RANJAN PAUL
R/O PHAPARMUKH TOWN
MOUZA CHAHARI
P.S. RAHA
DIST. NAGAON
PIN 782001

4:NARAYAN PAUL
S/O LT. CHITTYA RANJAN PAUL
R/O PHAPARMUKH TOWN
MOUZA CHAHARI
P.S. RAHA
DIST. NAGAON
PIN 782001

5:GOBIND PAUL
S/O LT. CHITTYA RANJAN PAUL
R/O PHAPARMUKH TOWN
MOUZA CHAHARI
P.S. RAHA
DIST. NAGAON
PIN 782001

6:LAKHAN PAUL
S/O LT. CHITTYA RANJAN PAUL
R/O PHAPARMUKH TOWN
MOUZA CHAHARI
P.S. RAHA
DIST. NAGAON
PIN 782001

7:KRISHNA PAUL
S/O LT. CHITTYA RANJAN PAUL
R/O PHAPARMUKH TOWN
MOUZA CHAHARI
P.S. RAHA
DIST. NAGAON
PIN 782001

8:SHYAMAL PAUL
S/O LT. CHITTYA RANJAN PAUL
R/O PHAPARMUKH TOWN
MOUZA CHAHARI
P.S. RAHA
DIST. NAGAON
PIN 782001

9:SMTI ANJU SUTRADHAR (PAUL) @ SHUKLA
W/O LT. GAUTAM PAUL

DAUGHTER IN LAW OF LT. CHITTYA RANJAN PAUL
R/O CHAPARMUKH TOWN
MOUZA CHAHARI
P.S. RAHA
DIST. NAGAON
PIN 782001

10:SMTI ARUNABALAL PAUL
W/O LT. CHITTYA RANJAN PAUL
R/O CHAPARMUKH TOWN
MOUZA CHAHARI
P.S. RAHA
DIST. NAGAON
PIN 782001

11:SMTI PARUBALA PAUL
D/O LT. CHITTYA RANJAN PAUL
R/O CHAPARMUKH TOWN
MOUZA CHAHARI
P.S. RAHA
DIST. NAGAON
PIN 782001

Advocate for : MR. G C PHUKAN
Advocate for : MR. R K JAIN (R1-R3
R5-R9
R11) appearing for SRI SANKAR RANJAN PAUL AND 10 ORS

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

06.11.2026

1. Heard Ms. B. Devi, the learned counsel for the appellant. Also heard Mr. R. K. Jain, the learned counsel for the respondents.

2. This application under Order 22 Rule 4 of the Code of Civil Procedure has been filed by the applicants praying for substituting the legal heirs of the deceased respondent No. 4 in his place in the memo of appeal of connected RSA No. 309/2018.

3. It is submitted by learned counsel for the applicant that the respondent No. 4 in RSA No. 309/2018 has expired on 18.12.2017, leaving behind two legal heirs, namely Smt. Sujata Rani Paul (wife) and Smt. Priyanka Paul (daughter), and the said legal heirs are required to be substituted in place of the deceased respondent. She further submits that though there was a delay in filing the instant substitution application, however, the delay has already been condoned, and the abatement of appeal has also been set aside in the connected interlocutory applications.

4. Though Mr. R. K. Jain, learned counsel for the opposite party, has objected to the prayer of the applicant, however, considering the grounds mentioned in this interlocutory application, the prayer for substitution of the legal heirs of deceased respondent is allowed.

5. As such, the names of Smt. Sujata Rani Paul and Smt. Priyanka Paul may be substituted in place of deceased respondent late Narayan as respondent No. 4(1) and respondent No. 4(2) in the memo of appeal of the connected RSA No. 309/2018.

6. The appellant shall file an amended cause title in the connected RSA No. 309/2018 showing the names of the substituted defendants.

7. This Interlocutory Application is accordingly disposed of.

8. The connected Regular Second Appeal be listed after four weeks.

JUDGE

Comparing Assistant