GAHC010268292025

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

Case : I.A.(Civil)/3926/2025

SARU KUMAR and 9 ORS.
W/O LATE PADMA RAM KUMAR

2: SMT. KALI KUMAR
BOTH W/O LATE PADMA RAM KUMAR

3: SHIVA KUMAR

4: UMESH KUMAR

5: SADANANDA KUMAR

6: DIPAK KUMAR

APPELLANT NOS 3 TO 6 ARE THE OF LATE PADMA RAM KUMAR
APPELLANT NOS 1 TO 6 ARE THE RESIDENT OF BORIPARA MALIGAON
P.O. and P.S. JALUKBARI
DIST. KAMRUP
GHY-781012

7: SMT. KADAMI KUMAR

W/O SRI RAM KUMAR
VILL. RAJAPUKHURI
P.O. RAJAPUKHURI
DIST. KAMRUP
PIN 781132

8: SMT. KANTI KUMAR

W/O SRI NIRANJAN KUMAR
VILL. PALASHBARI
P.O. PALASHBARI
DIST. KAMRUP
PIN 781128

9: SMT. BIMALA KUMAR

W/O SRI SUSIL KUMAR
VILL. BONGRA
P.O. BONGRA
DIST. KAMRUP
PIN 781015

10: SMT. REENA KALITA

W/O SRI RAMEN KALITA
VILL.RAMPUR
P.O. RAMPUR
DIST.KAMRUP
PIN 781132 APPELLANT NOS 7 TO 9 ARE TEH DAUGHTERS OF LATE PADMA RAM KUMAR.
VERSUS

ON THE DEATH OF JYOTIRMOY SARMAH

HIS LEGAL HEIRS

1.1:SRI MANOJ SARMAH.
S/O JYOTIRMOY SARMAH

RESIDENT OF KAMAKHYA DHAM
PO KAMAKHYA
DIST KAMRUP M ASSAM 781010

1.2:SRI PRANAY SARMAH

S/O JYOTIRMOY SARMAH

RESIDENT OF KAMAKHYA DHAM
PO KAMAKHYA
DIST KAMRUP M ASSAM 781010

1.3:SRI PRASENJIT SARMAH
S/O JYOTIRMOY SARMAH

RESIDENT OF KAMAKHYA DHAM
PO KAMAKHYA
DIST KAMRUP M ASSAM 781010

1.4:SMTI JYOTIKA DEVI
W/O JYOTIRMOY SARMAH

RESIDENT OF KAMAKHYA DHAM
PO KAMAKHYA
DIST KAMRUP M ASSAM 781010

2:ON THE DEATH OF SANKAR PRASAD
RES. NO.29
HIS LEGAL HEIRS.

2.1:SMTI SARASWATI DEVI

W/O LATE SANKAR PRASAD SARMAH

RESIDENT OF KAMAKHYA DHAM
PO KAMAKHYA
DIST KAMRUP M ASSAM 781010

2.2:SRI JUGAL PRASAD SARMAH

S/O LATE SANKAR PRASAD SARMAH

RESIDENT OF KAMAKHYA DHAM
PO KAMAKHYA
DIST KAMRUP M ASSAM 781010

2.3:SRI SUKUMAR SARMAH

S/O LATE SANKAR PRASAD SARMAH

RESIDENT OF KAMAKHYA DHAM
PO KAMAKHYA
DIST KAMRUP M ASSAM 781010

2.4:SRI TAPAS SARMAH

S/O LATE SANKAR PRASAD SARMAH

RESIDENT OF KAMAKHYA DHAM
PO KAMAKHYA
DIST KAMRUP M ASSAM 781010

2.5:SRI KABINDRA PRASAD SARMAH

S/O LATE SANKAR PRASAD SARMAH

RESIDENT OF KAMAKHYA DHAM
PO KAMAKHYA
DIST KAMRUP M ASSAM 781010

2.6:SRI BIRINDRA PRASAD SARMAH

S/O LATE SANKAR PRASAD SARMAH

RESIDENT OF KAMAKHYA DHAM
PO KAMAKHYA
DIST KAMRUP M ASSAM 781010

3:ON THE DEATH OF SRI REBATI PRASAD SARMAH (RES. NO. 36)
HIS LEGAL HEIRS

3.1:SRI ANANGA PRASAD SARMAH

S/O LATE REBATI PRASAD SARMAH
RESIDENT OF KAMAKHYA DHAM
PO KAMAKHYA
DIST KAMRUP M ASSAM 781010

3.2:SRI RAJU PRASAD SARMAH

S/O LATE REBATI PRASAD SARMAH
RESIDENT OF KAMAKHYA DHAM
PO KAMAKHYA
DIST KAMRUP M ASSAM 781010

3.2:SRI RIJU PRASAD SARMAH

S/O LATE REBATI PRASAD SARMAH
RESIDENT OF KAMAKHYA DHAM
PO KAMAKHYA
DIST KAMRUP M ASSAM 781010

4:ON THE DEATH OF DILIP SARMAH (RES. NO. 57)
HIS LEGAL HEIRS

4.1:SMTI BINA SARMA.
W/O LATE SRI DILIP SARMA
RESIDENT OF KAMAKHYA DHAM
PO KAMAKHYA
DIST KAMRUP M ASSAM 781010

4.2:SRI MANOJ KUMAR SARMA

S/O LATE SRI DILIP SARMA
RESIDENT OF KAMAKHYA DHAM
PO KAMAKHYA
DIST KAMRUP M ASSAM 781010

Advocate for : MR. P KHATANIAR
Advocate for : appearing for ON THE DEATH OF JYOTIRMOY SARMAH

BEFORE
HONOURABLE MR. JUSTICE SANJEEV KUMAR SHARMA

ORDER

Date : **25.02.2026**

Heard Mr. P. Khataniar, learned counsel for the applicants and Mr. P.K. Kalita, learned counsel for the respondents.

This I.A. has been filed under Order XXII Rule 4(1) of the Code of Civil Procedure, 1908 for substitution of names of the legal representatives of deceased/ respondent Nos. 13, 29, 36 and 57, namely Jyotirmoy Sarmah, Sankar Prasad Sarmah, Rebati Prasad Sarmah and Dilip Sarmah, who are reported to be died.

Having regard to the fact that the delay in preferring the present application has already been condoned by this Court, the prayer for substitution is allowed. The deceased/ respondent Nos. 13, 29, 36 and 57 stands substituted by their legal heirs mentioned as follows:-

In respect of deceased/ respondent No.13 Jyotirmoy Sarmah, he is represented by his legal heirs namely, 13(i) Sri Manoj Sarmah (son), 13(ii) Sri Pranay Sarmah (son), 13(iii) Sri Prasenjit Sarmah (son) and 13((iv) Smti Jyotika Devi (wife) respectively.

In respect of deceased/ respondent No.29 Sankar Prasad Sarmah, he is represented by his legal heirs namely, 29(i) Smti Saraswati Devi (wife), 29(ii) Sri Jugal Prasad Sarmah (son), 29(iii) Sri Sukumar Sarmah (son), 29((iv) Shri Tapas Sarma (son), 29(v) Sri Kabindra Prasad Sarmah (son) and 29(vi) Sri Birindra Prasad Sarma (son) respectively.

In respect of deceased/ respondent No. 36 Rebati Prasad Sarmah, she is represented by her legal heirs namely, 36(i) Sri Ananga Prasad Sarmah (son), 36(ii) Sri Raju Prasad Sarmah (son) and 36(iii) Sri Riju Prasad Sarmah (son) respectively.

In respect of deceased/ respondent No. 57 Dilip Sarma by his legal representatives namely, 57(i) Smti Bina Sarma (wife) and 57(ii) Sri Manuj Kumar Sarma (son) respectively.

Let the cause title be amended accordingly.

The I.A. stands disposed of.

JUDGE

Comparing Assistant