GAHC010236492023

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

Case No. : I.A.(Civil)/4058/2024

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

4.2: GAUTAM BANIK

S/O LT. SANKAR BANIK
R/O CHAPARMUKH TOWN
MOUZA CHAHARI
P.S. RAHA
DIST. NAGAON (ASSAM)
PIN 782001

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

4.4: SMTI. GEETA BANIK (PAUL)
D/O LT. SANKAR BANIK
W/O SRI SIBU PAUL
R/O SANKARDEV COLONY
P.O.-MARIANI
DIST-JORHAT (ASSAM)

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

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)
PIN 782001

5.2: 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 MAZUMDER
D/O LT. BIJOY DUTTA
W/O KISHOR 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 ORS A
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 CHAPARMUKH TOWN
MOUZA-CHAHARI
P.S.-RAHA
DIST-NAGAON (ASSAM)
PIN-782001

3:GOPAL PAUL
S/O LT. CHITTYA RANJAN PAUL
R/O CHAPARMUKH TOWN
MOUZA-CHAHARI
P.S.-RAHA
DIST-NAGAON (ASSAM)
PIN-782001

4.1:ON THE DEATH OF NARAYAN PAUL HIS LEGAL HEIRS
SUJATA RANI PAUL
W/O LATE NARAYAN PAUL
R/O VILLAGE MORI PACHATIA
WARD NO.02
P.O. MORIGAON
DISTRICT MORIGAON
PIN 782105
ASSAM

4.2:PRIYANKA PAUL @ PUJA

D/O LATE NARAYAN PAUL
R/O VILLAGE MORI PACHATIA
WARD NO.02
P.O. MORIGAON
DISTRICT MORIGAON
PIN 782105
ASSAM

5:GOBIND PAUL
S/O LT. CHITTYA RANJAN PAUL
R/O CHAPARMUKH TOWN
MOUZA-CHAHARI
P.S.-RAHA
DIST-NAGAON (ASSAM)
PIN-782001

6:LAKHAN PAUL
S/O LT. CHITTYA RANJAN PAUL
R/O CHAPARMUKH TOWN
MOUZA-CHAHARI
P.S.-RAHA
DIST-NAGAON (ASSAM)
PIN-782001

7:KRISHNA PAUL
S/O LT. CHITTYA RANJAN PAUL
R/O CHAPARMUKH TOWN
MOUZA-CHAHARI
P.S.-RAHA
DIST-NAGAON (ASSAM)
PIN-782001

8:SHYAMAL PAUL
S/O LT. CHITTYA RANJAN PAUL
R/O CHAPARMUKH TOWN
MOUZA-CHAHARI
P.S.-RAHA
DIST-NAGAON (ASSAM)
PIN-782001

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

10:SMTI. ARUNABALA PAUL
W/O LT. CHITTYA RANJAN PAUL
R/O CHAPARMUKH TOWN
MOUZA-CHAHARI
P.S.-RAHA
DIST-NAGAON (ASSAM)
PIN-782001

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

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

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 applicant. Also heard Mr. R. K. Jain, the learned counsel for the opposite parties.

2. This application under Order 22 Rule 9 of the Code of Civil Procedure, 1908 has been filed by the applicants in connection with RSA No. 309/2018 praying for setting aside of abatement of RSA No.

309/2018 against the deceased respondent No. 4 (late Narayan Paul) on failure of the appellant in substituting the legal heirs of the deceased respondent within the prescribed period of limitation.

3. The learned counsel for the applicant has submitted that the delay in preferring the instant interlocutory application has already been condoned, and the grounds for seeking setting aside of abatement have been stated in paragraph Nos. 3 to 9 of the instant Interlocutory Application.

4. Though Mr. R. K. Jain, the learned counsel for the respondent, has opposed the prayer for setting aside of abatement, however, for the grounds stated by the applicant in this Interlocutory Application, this Court is of considered opinion that the ends of justice would be served by setting aside abatement of the connected appeal against the respondent No. 4. As such, the abatement of appeal in RSA No. 309/2018 on the death of respondent No. 4 is hereby set aside, and this Interlocutory Application, is, accordingly disposed of.

JUDGE

Comparing Assistant