GAHC010236492023

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

Case No. : I.A.(Civil)/545/2020

TAPAN BHOWMIK AND ANR
S/O SUNIL BHOWMIK
R/O CHAPARMUKH TOWN
MOUZA-CHAHARI
P.S.-RAHA
DIST-NAGAON (ASSAM)
PIN-782001

2: RANA BHOWMIK
S/O SUNIL BHOWMIK
R/O CHAPARMUKH TOWN
MOUZA-CHAHARI
P.S.-RAHA
DIST-NAGAON (ASSAM)
PIN-782001
VERSUS

SANKAR RANJAN PAUL AND 11 ORS.
S/O LATE CHITTYA RANJAN PAUL
R/O CHAPARMUKH TOWN
MOUZA-CHAHARI
P.S.-RAHA
DIST-NAGAON (ASSAM)
PIN-782001

2:KASHI PAUL
S/O LATE CHITTYA RANJAN PAUL
R/O CHAPARMUKH TOWN
MOUZA-CHAHARI
P.S.-RAHA
DIST-NAGAON (ASSAM)
PIN-782001

3:GOPAL PAUL
S/O LATE CHITTYA RANJAN PAUL

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

4:ON THE DEATH OF NARAYAN PAUL
HIS LEGAL HEIRS

4.1:SUJATA RANI PAUL
(WIFE) R/O CHAPARMUKH TOWN
MOUZA-CHAHARI
P.S.-RAHA
DIST-NAGAON (ASSAM)
PIN-782001

4.2:PRIYANKA PAUL @ PUJA
(DAUGHTER) R/O CHAPARMUKH TOWN
MOUZA-CHAHARI
P.S.-RAHA
DIST-NAGAON (ASSAM)
PIN-782001

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

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

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

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

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

11:SMTI PARUBALA PAUL
D/O LATE 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. A K JAIN appearing for SANKAR RANJAN PAUL AND 11 ORS.

Linked Case : RSA/306/2018

SRI TAPAN BHOWMIK AND ANR
S/O SUNIL BHOWMIK
R/O CHAPARMUKH TOWN
MOUZA CHAHARI
P.S. RAHA
DIST. NAGAON (ASSAM)
PIN 782001

2: RANA BHOWMIK
S/O SUNIL BHOWMIK
R/O CHAPARMUKH TOWN

MOUZA CHAHARI
P.S. RAHA
DIST. NAGAON
ASSAM
PIN 782001
VERSUS

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

2:KANAI 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:NARAYAN PAUL
S/O LT. CHITTYA RANJAN PAUL
R/O CHAPARMUKH TOWN
MOUZA CHAHARI
P.S. RAHA
DIST. NAGAON
ASSAM
PIN 782001

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

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

Linked Case :

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. 306/2018.

3. It is submitted by learned counsel for the applicant that the respondent No. 4 in RSA No. 306/2018 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. 306/2018.

6. The appellant shall file an amended cause title in the connected RSA No. 306/2018 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