GAHC010236492023

undefined

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

Case No. : I.A.(Civil)/543/2020

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

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 Section 5 of the Limitation Act, 1963 has been filed by the applicant for condoning the delay of 632 days in filing application for setting aside the abatement of the connected appeal, i.e., RSA No. 309/2018 on failure to substitute the legal heirs of respondent No. 4, who had reportedly died on 18.12.2017.

3. The learned counsel for the applicant has submitted that the engaged counsel for the appellant came to know about the death of respondent No. 4 for the first time on 03.06.2019, when the said fact was informed by the engaged counsel of the respondent before the Court.

4. The learned counsel for the applicant submits that the though the address of the respondent was mentioned in the plaint as Chaparmukh Town Mouza Chahari under Raha Police Station, however, the death certificate of the deceased respondent showed the different address and as such the present respondent could not ascertained the proper address of the deceased respondent and in the process, delay in substituting the legal heirs of the deceased respondent occurred.

5. She submits that the delay occurred in filing the application for setting aside the abatement and for substituting legal heirs of the deceased respondent No. 4 were beyond the control of the applicants and same may be recorded as sufficient cause which prevented the applicants from preferring the connected applications within the prescribed period of limitation.

6. On the other hand, Mr. R. K. Jain, the learned counsel for the opposite parties, has opposed and submitted that an inordinate delay of 632 days has not been sufficiently explained by the applicant. As such, he prays for dismissing the instant Interlocutory Application.

7. I have considered the submissions made by learned counsel for both sides and have gone through the materials available on record.

8. On perusal of the grounds stated in paragraph Nos. 3, 6, 7, and 8 of the instant Interlocutory Application, this Court is of the considered opinion that the same may be regarded as sufficient cause within the meaning of Section 5 of the Limitation Act, 1963, which prevented the applicants from preferring the connected applications within the prescribed period of limitation.

9. As such, the delay in preferring the application for setting aside abatement and in filing application for substituting the legal heirs of deceased respondent No. 4 is hereby condoned, and this Interlocutory Application is disposed of.

JUDGE

Comparing Assistant