

GAHC010215642025



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

Case No. : I.A.(Civil)/3178/2025

SMTI CHANDRA CHOUDHURY
W/O LATE DHIREN CHOUDHURY ALL ARE RESIDENTS OF WARD NO.1,
NAKARI (BAPTIST MISSION COMPOUND) NORTH LAKHIMPUR, PIN-787001
DISTRICT- LAKHIMPUR, ASSAM

2: SRI VICTOR CHOUDHURY
SONS OF LATE DHIREN CHOUDHURY ALL ARE RESIDENTS OF WARD
NO.1
NAKARI (BAPTIST MISSION COMPOUND) NORTH LAKHIMPUR
PIN-787001

3: SRI STEPHEN CHOUDHURY
SONS OF LATE DHIREN CHOUDHURY ALL ARE RESIDENTS OF WARD
NO.1
NAKARI (BAPTIST MISSION COMPOUND) NORTH LAKHIMPUR
PIN-787001

4: SRI MOINA CHOUDHURY ALIAS RICHARD CHOUDHURY
SONS OF LATE DHIREN CHOUDHURY ALL ARE RESIDENTS OF WARD
NO.1
NAKARI (BAPTIST MISSION COMPOUND) NORTH LAKHIMPUR
PIN-78700

VERSUS

ON THE DEATH OF EARLIER SECRETARY
, THE NEW SECRETARY OF NORTH BANK BAPTIST PROPERTY TRUST
ASSOCIATION SRI SORBOJINA KONDPAN SON OF LATE BISOY KONDPAN
RESIDENT OF NBBCA SHAKOMATO CENTRE P.O. BISWANATH CHARIALI,
PIN-784176 DISTRICT- BISWANATH, ASSAM.

Advocate for the Petitioner : MR D HAZARIKA, MR A HUSSAIN, MR. R SARMA

Advocate for the Respondent : MR. A BARUAH,

Linked Case : RSA/44/2014

CHANDRA CHOUDHURY and 3 ORS.

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2: VICTOR CHOUDHURY

3: STEPHEN CHOUDHURY

4: MOINA CHOUDHURY @ RICHARD CHOUDHURY

NO.1 IS THE WIFE

NOS. 2

3 AND 4 ARE SONS OF LATE DHIREN CHOUDHURY

ALL ARE R/O WARD NO.1

NAKARI BAPTIST MISSION COMPOUND

NORTH LAKHIMPUR

PIN-787001

DIST. LAKHIMPUR

ASSAM

VERSUS

LUKAS BHENGRA

S/O LT. JOTO BHENGRA

PROPEERTY SECRETARY

NORTH BANK BAPTIST PROPERTY TRUST ASSOCIATION

R/O DEBERA DOLONI RANGCHALI

NORTH LAKHIMPUR

PIN-787001

DIST. LAKHIMPUR

ASSAM.

Advocate for : MR.H DEKA

Advocate for : appearing for LUKAS BHENGRA

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

Date : 16.12.2025

1. Heard Mr. A. Hussain, the learned counsel for the applicants/appellant.

2. This interlocutory application has been filed by the applicants/appellants praying for impleading Mr. Sorbojina Kondpan, in place of the deceased respondent as Mr. Kondpan has been selected as new Secretary of North Bank Baptist Property Trust Association.

3. As this Interlocutory application has been filed under Order 1 Rule 10 of the Code of Civil Procedure, 1908 a question was posed by this Court as to whether on death of a defendant who was impleaded in the suit in his representative capacity as the Secretary of the North Bank Baptist Property Trust Association, the legal representatives of such defendant are to be impleaded under Order 22 Rule 4 of the Code of Civil Procedure, 1908 or an application under Order 1 Rule 10 (2) of the Code of Civil Procedure, 1908 is maintainable.

4. On this, the learned counsel for the applicant has sought for some time to answer to the query posed by this Court.

5. The prayer is allowed.

6. Let this court be listed again on 22.01.2026.

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JUDGE

Comparing Assistant