

GAHC010006862026



2026:GAU-AS:2881

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

**Case No. : I.A.(Civil)/137/2026**

MD TAFIR ALI ALIAS MD TAFAR ALI  
S/O MD. MOHOR ALI @ MD. MAHAR UDDIN, THE CASE IS REPRESENTED  
BY ON THE DEATH OF LATE MOHOR ALI ALIAS MAHAR UDDIN, HIS WIFE  
WHO IS THE MOTHER OF THE MINOR INJURED NAMELY FUR BANU, W/O  
LATE MOHOR ALI ALIAS MAHAR UDDIN, , PERMANENET RESIDENT OF  
VILLAGE- SIMLAI PATHAR, P.S.- LANKA, DIST.- LANKA, ASSAM.  
PRESENTLY RESIDING AT- AMTOLA, BYRNIHAT, P.O. AND P.S.- SONAPUR,  
DIST.- KAMRUP (METRO), ASSAM.

VERSUS

BISTARNING KHYLLAIT  
S/O TRUN RYNTATHIANG, R/O 147 NONGLYPUT, MAIRANG, WEST KHASI  
HILLS, P.O.- MEGHALAYA, MEGHALAYA, PIN- 793120.

2:THE UNITED INDIA INSURANCE COMPANY LIMITED  
REPRESENTED BY ITS BRANCH MANAGER  
DON BOSCO POINT (MAIN ROAD)  
SHILLONG  
MEGHALAYA  
PIN- 793003

**Advocate for the Petitioner** : MISS. A BARUAH,

**Advocate for the Respondent** : MR. M DUTTA,

Linked Case : MACApp./52/2023

TAFIR ALI @ MD. TAFAR ALI AND ANR.  
S/O MD. MOHOR ALI @ MD. MAHAR UDDIN

THE CASE IS REPRESENTED BY FATHER OF THE INJURED NAMELY MD.  
MOHAR ALI @ MD. MAHAR UDDIN

S/O LATE AMED ALI

PERMANENET RESIDENT OF VILLAGE- SIMLAI PATHAR

P.S.- LANKA

DIST.- LANKA  
ASSAM.  
PRESENTLY RESIDING AT- AMTOLA  
BYRNIHAT

P.O. AND P.S.- SONAPUR  
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Advocate for : MISS. A BARUAH

Advocate for : MR. M DUTTA (R2) appearing for BISTARNING KHYLLAIT AND  
ANR.

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

**ORDER**

**Date : 25.02.2026**

- 1.** Heard Ms. A. Baruah, learned counsel for the applicant. Also heard Mr. L. Deka, learned counsel for the respondent No.2/ Insurance Company.
- 2.** Since in the connected MAC Appeal No.52/2023, the case has been proceeding *ex-parte* against the respondent No.1. Notice to respondent No.1 is waived.
- 3.** This Application under Order 32 Rule 4 read with Section 151 of the CPC 1908 has been filed by the applicant for substituting the guardian of the applicant Md. Mohor Ali @ Md. Mahar Uddin, who was till now a guardian and was the father of the injured minor applicant and who has expired on 28.07.2025.
- 4.** The learned counsel for the applicant submits that the Full Banu is the mother of the injured minor applicant as would be apparent from the death certificate, wherein her name has been reflected as the wife of the deceased, namely, Md. Mohor Ali @ Md. Mahar Uddin, who was the earlier guardian of the applicant/appellant.
- 5.** Considering the materials available on record as well as the submissions made by learned counsel for the parties, the prayer is allowed.
- 6.** The mother of the minor applicant is allowed to be shown as his guardian in the memo of Appeal of the connected MAC Appeal No.52/2023 in place of his deceased father Md. Mohor Ali @ Md. Mahar Uddin.
- 7.** The Interlocutory Application is accordingly disposed of.

- 8.** The applicant shall submit an amended cause title in the connected Appeal within a period of 2 (two) weeks from the date of this order.
- 9.** List the MAC Appeal No.52/2023 on 23.03.2026.

**JUDGE**

**Comparing Assistant**