

GAHC010013262026



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

Case No. : I.A.(Civil)/183/2026

MUSTT HASNA ARA BEGUM
W/O MD. MIR HUSSAIN, R/O HEM BARUAH ROAD, FANCY BAZAR,
GUWAHATI-781001

VERSUS

ON THE DEATH OF GULENARA BEGUM HER LEGAL HEIRS PAMELA
BEGUM
W/O LATE NIZAMUDDIN AHMED, R/O MACHKHOWA, T.R. PHOOKAN
ROAD, GUWAHATI-9

1.1:PAMELA BEGUM
D/O LATE GULENARA BEGUM
R/O-T R PHUKAN ROAD
MACHKHOWA
P/S BHARALAMUKH
GUWAHATI-781009

1.2:REBAKA BEGUM@PUTULI
D/O LATE GULENARA BEGUM
R/O-T R PHUKAN ROAD
MACHKHOWA
P/S BHARALAMUKH
GUWAHATI-781009

1.3:SALIM AHMED @ SEKU
S/O LATE GULENARA BEGUM
R/O-T R PHUKAN ROAD
MACHKHOWA
P/S BHARALAMUKH
GUWAHATI-781009

1.4:MUNNA AHMED
S/O LATE GULENARA BEGUM

R/O-T R PHUKAN ROAD
MACHKHOWA
P/S BHARALAMUKH
GUWAHATI-781009

1.5:ON THE DEATH OF HAZERA BEGUM
HER LEGAL HEIRS

1.5.1:KADRUL ISLAM
SON
RESIDENT OF HOUSE NO. 67
P D CHALIHA ROAD
SILPUKHURI
GUWAHATI 781003
DIST KAMRUP M ASSAM

1.5.2:FARHANA YESMIN
DAUGHTER
RESIDENT OF WARD NO. 3
NEAR HARIJAN COLONY MANGALDAI TOWN
PO MANGALDOI
DIST DARRANG
ASSAM 784125

1.6:ABUL AHMED
S/O LATE GULENARA BEGUM
R/O-T R PHUKAN ROAD
MACHKHOWA
P/S BHARALAMUKH
GUWAHATI-781009

1.7:SABINA BEGUM
D/O LATE GULENARA BEGUM
R/O-SANTIPUR MASZID GOLI
GUWAHATI-781009

1.8:ON THE DEATH OF RAFEL AHMED
HIS LEGAL HEIRS NAMELY-
BOTH ARE RESIDENT OF T.R PHUKAN ROAD
MACHKHOWA

P.S BHARALUMUKH
GUWAHATI

PIN 781009

1.8.1:(a) ARIFA BEGUM (MUNMUN)
WIFE OF LATE RAFEL AHMED

1.8.2:(b) RAHUL AHMED
SON OF LATE RAFEL AHMED

1.9:SAHNAJ BEGUM
D/O LATE GULENARA BEGUM
R/O-A T ROAD
MALIGOAN
NEAR SWAGAT HOSPITAL
GUWAHATI-781012

1.10:PARVEEN BEGUM
D/O LATE GULENARA BEGUM
R/O-SANTIPUR
NEAR BHARALU SLUICE GATE

1.11:NAZIYA HASAN
D/O LATE GULENARA BEGUM
R/O-DHIRENPARA TILLA
NEAR DHIRENPARA MASZID
GUWAHATI-781025 ASSA

Advocate for the Petitioner : MR Z MUKIT, MR.A SATTAR

Advocate for the Respondent : MS. R CHOUDHURY, MR.B D DEKA,MR T H HAZARIKA (R-1.9, 1.5,1.11, 1.2)

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 25.02.2026

1. Heard Mr. W. Hoque, learned counsel for the appellant. Also heard Mr. M. Chetia, learned counsel appearing for the legal heirs of the deceased respondent Nos. 1.5 as well as Mr. M. Das, learned counsel for the respondent Nos. 1.1, 1.3, 1.4, 1.6, 1.7, 1.8, 1.8(a), 1.8(b) and 1.10.

2. This application under Section 22 Rule 4 of this Code of Civil Procedure, 1908, has been filed by the applicant/appellant in connection with the connected Test. Appeal No. 2/2010 praying for allowing the appellant to

substitute the legal heirs of respondent No. 1.5, namely, Hazera Begum, who had expired on 03.12.2025.

3. The learned counsel for the applicant has submitted that the present application for substitution of legal heirs has been made within the prescribed period of limitation.

4. The learned counsel for the respondents also have not opposed the prayer for substitution, hence, the said prayer is allowed.

5. Accordingly, names of legal heirs of deceased respondent No. 1.5, namely, (1) Kadrul Islam (2) Farhana Yesmin are allowed to be substituted in the connected testamentary appeal in place of deceased respondent No. 1.5 as respondent Nos. 1.5 (a) and 1.5 (b).

6. The applicant shall file the corrected cause-title of the memo of appeal in the connected testamentary appeal within a period of one week from the date of this order.

7. List the testamentary appeal again on 23rd of March, 2026.

8. This interlocutory application is accordingly disposed.

JUDGE

Comparing Assistant