

GAHC010021822026



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

Case No. : I.A.(Civil)/277/2026

ON THE DEATH OF ABDUL HAKIM AND JORBUL NESSA THEIR LEGAL
HEIRS MD. SHAFIK AHMED MAZARBHUIYA AND ORS
S/O LATE ABDUL HAKIM MAZARBHUIYA

2: MD. ROFIQUE UDDIN MAZARBHUIYA
SON OF LATE ABDUL HAKIM MAZARBHUIYA

3: MD. AFTARUN NESSA MAZARBHUIYA
SON OF LATE ABDUL HAKIM MAZARBHUIYA

4: MST. RAHANA BEGUM MAZARBHUIYA
SON OF LATE ABDUL HAKIM MAZARBHUIYA

5: MST. RINA BEGUM MAZARBHUIYA
SON OF LATE ABDUL HAKIM MAZARBHUIYA

6: MST. MONWARA BEGUM MAZARBHUIYA
SON OF LATE ABDUL HAKIM MAZARBHUIYA

7: MST. SAJAN BEGUM MAZARBHUIYA
APPELLANT NOS. 1 TO 7 ARE SONS AND DAUGHTER OF LATE ABDUL
HAKIM MAZARBHUIYA

8: ON THE DEATH OF LATE MD. ABDUL KARIM MAZARBHUIYA
HIS LEGALHEIRS

8.1: SORFUL NESSA LASKAR
WIFE

8.2: AMRUL HOQUE MAZARBHUIYA
SON

8.3: KAMRUL HOQUE MAZARBHUIYA

SON

8.4: NAZMUL HOQUE MAZARBHUIYA
SON

8.5: RUSTANA BEGAM LASKAR
DAUGHTER

8.6: SALMA BEGUM MAZARBHUIYA
DAUGHTER

8.7: RAJMIN SULTANA LASKAR
DAUGHTER

8.8: FATIMA BEGOM MAZARBHUIYA
DAUGHTER

9: MD. ABDUL AZIM MAZARBHUIYA
SONS AND DAUGHTERS OF LATE ANJOD ALI MAZARBHUIYA

10: MD. ABDUL WAHID MAZARBHUIYA
SON OF LATE ANJOD ALI MAZARBHUIYA

11: MD. ABDUL AZIZ MAZARBHUIYA
SON OF LATE ANJOD ALI MAZARBHUIYA

12: MST. SAYRA KHATUN MAZARBHUIYA
DAUGHTERS OF LATE ANJOD ALI MAZARBHUIYA

13: MST. MANIRA KHATUN MAZARBHUIYA
DAUGHTERS OF LATE ANJOD ALI MAZARBHUIYA

14: MST. HAZIRA KHATUN MAZARBHUIYA
APPELLANT NOS. 8 TO 14 ARE SONS AND DAUGHTERS OF LATE ANJOD ALI
MAZARBHUIYA

15: MD. JAYNUL HAQUE MAZARBHUIYA
S/O LATE ANFOR ALI MAZARBHUIYA
APPELLANT NOS. 1 TO 15 ARE
R/O VILL NIJ VERNERPUR PT I
P.O. VERNERPUR
P.S. LALA
DIST HAILAKANDI
ASSAM
VERSUS

LEGA HEIRS OF LT KHURSED ALI LASKAR MD ABDUL LATIF LASKAR

S/O LATE KHURSED ALI LASKAR

2:MD. ABDUL WAHAB LASKAR
S/O LATE KHURSED ALI LASKAR

3:MD. ABDUL MALIK LASKAR
S/O LATE KHURSED ALI LASKAR
PRINCIPAL RESPONDENT NOS. 1 TO 3 ARE R/O VILL NIJ VERNERPUR
P.O. VERNERPUR
P.S. LALA
DIST HAILAKANDI
ASSAM

4:MUSSTT. RAHANA BIBI
W/O MD. MUSSA MIA
R/O VILL AND P.O. GHARMOORAH
P.S. KATLICHERRA
DIST HAILAKANDI
ASSAM

5:MUSSTT. FARHANA BIBI
W/O MD. HAFIZ KHALIL AHMED VILL MOHAMMEDPUR
PART-II P.O. RONGPUR SOUTH
P.S. LALA
DIST HAILAKANDI
ASSAM

6:MUSSTT. NEPURJAN BIBI
W/O LATE ABDUL RASID

7:MUSSTT. SIRAJUN NESSA
W/O LATE AJMAT ALI

8:MD. IMRUL HUSSAIN LASKAR
S/O LATE AJMAT ALI

9:MD. SAJID HUSSAIN LASKAR
S/O LATE AJMAT ALI

10:MUSSTT. SALINA AKTAR LASKAR
D/O LATE AJMAT ALI

11:MUSSTT. SAMIMA AKTAR LASKAR
D/O LATE AZMOT ALI

12:FOIZUL HAQUE MAZARBHUIYA
S/O LATE ANFOR ALI MAZARBHUIYA

PROF. OPP. PARTY NOS. 6 TO 12 ARE
R/O VILL NIJ VERNERPUR PT-I
P.O. VERNERPUR
P.S. LALA
DIST. HAILAKANDI
ASSAM

13:MD. SALIM UDDIN LASKAR
S/O MD. SIRAJ UDDIN LASKAR

14:MD. SIRAJ UDDIN LASKAR
S/O LATE ANJOD ALI LASKAR
PROF OPP. PARTY NOS. 13 AND 14 ARE
R/O VILL MOHAMEDPUR PT-I
P.S. LALA
P.O. PONGPUR SOUTH
DIST. HAILAKANDI
ASSAM

15:MST. TAIMUN NESSA
W/O MD. BASIR AHMED CHOUDHURY
R/O VILL KACHARI THAL
P.S. LALA
P.O. VERNERPUR
DIST HAILAKANDI
ASSAM

Advocate for : MS. B. HAZARIKA
Advocate for : MR. N H BARBHUIYA appearing for LEGA HEIRS OF LT
KHURSED ALI LASKAR MD ABDUL LATIF LASKAR

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 08.05.2026

Heard Ms. B. Hazarika, learned counsel for the applicant. Also heard Mr. N. H. Barbhuiya, learned counsel for the respondents.

2. The present interlocutory application has been filed under Order XXII Rule 9 of the Code of Civil Procedure, 1908, praying for setting aside the abatement that has occurred in respect of deceased/appellant in the connected RSA No.

56/2016.

3. It appears from the materials on record that during the pendency of the connected RSA No. 56/2016, the deceased/appellant, i.e., Md. Abdul Karim Mazarbhuiya, expired, leaving behind the following legal heirs:

1. Sorful Nessa Laskar- Wife,
2. Amrul Hoque Mazarbhuiya- Son,
3. Kamrul Hoque Mazarbhuiya- Son,
4. Nazmul Hoque Mazarbhuiya- Son,
5. Rustana Begum Laskar- Daughter,
6. Salma Begum Mazarbhuiya- Daughter,
7. Rajmin Sultana Laskar- Daughter,
8. Fatima Begom Mazarbhuiya- Daughter.

4. I have considered the submissions advanced by the learned counsel for the parties and have also perused the materials available on record.

5. From the explanation furnished in the application, this Court is satisfied that the delay in bringing the legal heirs of the deceased respondent on record does not appear to be deliberate or mala fide.

6. In the circumstances, and upon being satisfied that sufficient cause has been shown, the abatement that occurred on account of the death of deceased/appellant No. 8 in RSA No. 56/2016 is hereby set aside.

7. The applicant shall take necessary steps for substitution of the legal heirs of the deceased respondent in accordance with law.

8. With the above observations and directions, the interlocutory application stands disposed of.

JUDGE

Comparing Assistant