

GAHC010086062019



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

Case No. : I.A.(Civil)/1501/2019

ON THE DEATH OF BIRAJ SUTRADHAR, HIS LEGAL HEIRS
VILL. JYOTI UNDER BARPETA MOUZA, DIST. BARPETA, ASSAM.

1.1: SMT. GITANJALI DAS SUTRADHAR
W/O- LATE BIRAJ SUTRADHAR
R/O VILLAGE- JYOTI UNDER BARPETA MAOZA
DIST- BARPETA
ASSAM.

1.2: SRI DHRITIMOY SUTRADHAR

S/O LT. BIRAJ SUTRADHAR
BEING MINOR REP. BY HIS MOTHER
SMT. GITANJALI DAS SUTRADHAR
R/O JYOTI UNDER BARPETA MAOZA
DIST- BARPETA
ASSA

VERSUS

ON THE DEATH OF KULAJIT DAS, HIS LEGAL HEIRS AND 5 ORS.
BARPETA, ASSAM.

1.1: SMTI DIPANNITA DAS
W/O LATE KULAJIT DAS
R/O 2ND FILOR
SHILAJA APARTMENT NARIKAL BASTI
ZOO NARENGI ROAD
GUWAHATI 24
DIST. KAMRUP (M)
ASSAM.

1.2: MISS MINARVA DAS
D/O LATE KULAJIT DAS

BEING MINOR REPRESENTED BY HER MOTHER SMTI DIPANNITA DAS
R/O 2ND FILOR
SHILAJA APARTMENT NARIKAL BASTI
ZOO NARENGI ROAD
GUWAHATI 24
DIST. KAMRUP (M)
ASSAM.

1.3:MISS HIYARVA DAS
D/O LATE KULAJIT DAS
BEING MINOR REPRESENTED BY HER MOTHER SMTI DIPANNITA DAS
R/O 2ND FILOR
SHILAJA APARTMENT NARIKAL BASTI
ZOO NARENGI ROAD
GUWAHATI 24
DIST. KAMRUP (M)
ASSAM.

2:BISWAJJIT DAS
S/O BIDUR DAS
R/O JANIA
BARPETA
ASSAM
R/O GOLAIHATI KAKOTYHATI
DIST. BAREPTA
ASSAM.

3:SUJIT DAS
S/O BIDUR DAS
R/O JANIA
BARPETA
ASSAM
R/O GOLAIHATI KAKOTYHATI
DIST. BAREPTA
ASSAM.

4:HANSAJIT DAS
S/O BIDUR DAS
R/O JANIA
BARPETA
ASSAM
R/O GOLAIHATI KAKOTYHATI
DIST. BAREPTA
ASSAM.

5.1:ON THE DEATH OF BAMDEV MAJUMDER
HIS LEGAL HEIRS 5(a) SMTI. MIRA MAJUMDAR
W.O. LATE BAMDEV MAJUMDAR

R/O GOLAIHATI KAKOTYHATI
DIST. BAREPTA
ASSAM.

5.2:5(b) SMTI. DULUMANI MAJUMDAR
D/O LATE BAMDEV MAJUMDAR
R/O GOLAIHATI KAKOTYHATI
DIST. BAREPTA
ASSAM.

5.3:5(c) SMTI. TULTUL MAJUMDAR
D/O LATE BAMDEV MAJUMDAR
R/O GOLAIHATI KAKOTYHATI
DIST. BAREPTA
ASSAM.

5.4:5(d) SMTI. SANGEETA MAJUMDAR
D/O LATE BAMDEV MAJUMDAR
R/O GOLAIHATI KAKOTYHATI
DIST. BAREPTA
ASSAM.

5.5:5(e) SRI NABJYOTI MAJUMDAR
S/O LATE BAMDEV MAJUMDAR
R/O GOLAIHATI KAKOTYHATI
DIST. BAREPTA
ASSAM.

6:THE DEPUTY COMMISSIONER
BARPETA

Advocate for the Petitioner : MR. R DUBEY, MS. A B KAYASTHA

Advocate for the Respondent : MR. N GOSWAMI (GA, ASSAM, R-6), MR S KHOUND (R-1(a),1(b),1(c),2,3,4)

Linked Case : WP(C)/5541/2008

SRI BIRAJ SUTRADHAR
S/O LT. PRABHAT CHANDRA SUTRADHAR
VILL- JYOTI UNDER BARPETA MOUZA
DIST. BARPETA
ASSAM.

VERSUS

ON THE DEATH OF KULAJIT DAS
HIS LEGAL HEIRS SMT. DIPANNITA DAS AND 2 ORS. REP.
S/O. BIDUR DAS
R/O. JANIA
BARPETA
ASSAM.

1:(a) SMTI. DIPANNITA DAS
W/O. LATE KULAJIT DAS
R/O. 2ND FLOOR
SHAILAJA APARTMENT
NARIKAL BASTI
ZOO-NARENGI ROAD
GUWAHATI-781024
DIST. KAMRUP (METRO)
ASSAM.

1:(c) MISS HIYARVA DAS
D/O. LATE KULAJIT DAS
BEING MINOR REPRESENTED BY HER MOTHER SMT. DIPANNITA DAS
R/O. 2ND FLOOR
SHAILAJA APARTMENT
NARIKAL BASTI
ZOO-NARENGI ROAD
GUWAHATI-781024
DIST. KAMRUP (METRO)
ASSAM.

1:(b) MISS MINARVA DAS
D/O. LATE KULAJIT DAS
BEING MINOR REPRESENTED BY HER MOTHER SMT. DIPANNITA DAS
R/O. 2ND FLOOR
SHAILAJA APARTMENT
NARIKAL BASTI
ZOO-NARENGI ROAD
GUWAHATI-781024
DIST. KAMRUP (METRO)
ASSAM.

2:SRI BISWAJIT DAS

3:SRI SUJIT DAS

4:SRI HANSAJIT DAS
SL. NO.S 1 TO 4 ARE ALL ARE SONS OF BIDUR DAS R/O JANIA
BARPETA
ASSAM.

5:SRI BAMDEV MAJUMDER

S/O LT. AMBIKA CHARAN MAZUMDAR
R/O GOLAIHATI KAKOTYHATI
DIST. BARPETA
ASSAM.

6:DEPUTY COMMISSIONER
BARPETA

Advocate for : MS.R R SARMA
Advocate for : FOR CAVEATOR appearing for ON THE DEATH OF KULAJIT DAS
HIS LEGAL HEIRS SMT. DIPANNITA DAS AND 2 ORS. REP.

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

20.09.2024

Heard the learned counsel for the applicant. In terms of Lawazima Court's order dated 23.07.2024, service in respect of the respondent Nos. 5.1 to 5.5 has been completed.

The present I.A. is filed for restoration of connected writ petition being WP(C)/5541/2008 to its original file, which was dismissed for non prosecution by this Court under its order dated 19.03.2019.

It is explained by the learned counsel for the applicant that when the matter was listed on 19.03.2019, the learned counsel for the applicant was on legs in Court No. 12 and due to some wrong display in the display board, he could not attend the court and reached the court at a later point of time. In the meantime, the writ petition was dismissed for non prosecution.

None appears for the respondent to object the restoration petition.

Considering the explanation and also taking note of the settled propositions of law, that a litigant should not be allowed to suffer for the unintentional fault of the learned counsel, the order dated 19.03.2019 passed in WP(C)/5541/2008 is recalled.

Registry is directed to restore the WP(C)/5541/2008 to its original file.

I.A. stands disposed of.

The connected writ petition being WP(C)/5541/2008, which is pending since the year 2008 be listed on 25.09.2024.

JUDGE

Comparing Assistant