

GAHC010019022014



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

Case No. : RSA/294/2014

SAMSUN BIBI and 2 ORS
W/O LATE MOHAMMAD ALI LEGAL HEIRS OF DECEASED DEFENDANT
NO. 1, MAHMOD ALI @ MAKHOI MIA

2: AIFUL BEGUM
D/O LATE MOHAMMD ALI

3: MAYA BEGUM
D/O LATE MOHAMMAD ALI
ALL ARE R/O VILL. BOTORASHI
P.O. TILLABAZAR
P.S. and DIST. KARIMGANJ
ASSAM

VERSUS

AKHOI MIA and 18 ORS
S/O LATE MIRJAN ALI

2:KOKHOI MIA
S/O LATE MIRJAN ALI
BOTH ARE R/O VILL. BATAROSHI
P.O. TILLABAZAR
P.S. and DIST. KARIMGANJ
ASSAM.

3:KHOYA BIBI
D/O LATE MIRJAN ALI
R/O VILL. BOTORASHI
P.O. TILLABAZAR
P.S. and DIST. KARIMGANJ
ASSAM.

4:KALSU BIBI

W/O LATE RAKAI ALI @ RAKIB ALI ON THE DEATH OF RAKOI ALI @
RAKIB ALI HIS LEGAL HEIRS

5:KHALU MIA
S/O LATE RAKAI ALI @ RAKIB ALI

6:KHALKU MIA
S/O LATE RAKAI ALI @ RAKIB ALI

7:LUKU MIA
S/O LATE RAKAI ALI @ RAKIB ALI.

8:LASAN BIBI
S/O LATE RAKAI ALI @ RAKIB ALI
ALL ARE R/O VILL. BATARASHI
P.O. TILLABAZAR
P.S. and DIST. KARIMGANJ
ASSAM.

9:MAKHOI MIA
S/O LATE YEADOY MIA

10:MOTIN AMIA
S/O LATE SADOY MIA

11:MOKLISH MIA
S/O LATE SADOY MIA
ALL ARE R/O VILL. BATARASHI
P.O. TILLABAZAR
P.S. and DIST. KARIMGANJ
ASSAM.

12:ATA MIA
S/O LATE MANIK MIA

13:MATAB MIA
S/O LATE MANIK MIA
BOTH OF VILL. BATARASHI
P.O. TILLABAZAR
P.S. and DIST. KARIMGANJ
ASSAM.

14:SOBU BEGUM
W/O LATE FOKRU MIA
VILL. ALONGJURI
P.O. SILCHAR ROAD
P.S. and DIST. KARIMGANJ.

15:JOBU BEGUM
W/ONISOI ALI
R/O VILL. and P.O. SUTARKANDI
DIST. KARIMGANJ
ASSAM.

16:ABDUR RAJAK
S/O LATE AROI MIA
VILL. SONODORI
P.O. BISHNUNAGAR
P.S. and DIST. KARIMGANJ

17:SOPIA BEGUM
W/O ATA MIA
VILL. BOTORASHI
P.O. TILLABAZAR
P.S. and DIST. KARIMGANJ
ASSAM.

18:RUKIA BEGUM
W/O ABDUL MALIK
R/O VILL. and P.O. SUTARJANDI
DIST. KARIMGANJ

Advocate for the Petitioner : MS.R CHOUDHURY, MR.H R A CHOUDHURY,MS.E YASMIN

Advocate for the Respondent : , MR.D CHOUDHURY(R-1&2),MR.A D CHOUDHURY(R-1&2)

Linked Case : I.A.(Civil)/2391/2023

LEGAL HEIRS OF DECEASED DEFENDANT NO 1
MAHMOD ALI ALIAS MAKHOI MIA

2: SAMSUN BIBI
W/O LATE MOHAMMAD ALI

3: AIFUL BEGUM
D/O LATE MOHAMMAD ALI

4: MAYA BEGUM
D/O LATE MOHAMMAD ALI
ALL ARE R/O VILL. BOTORASHI

P.O. TILLABAZAR
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ASSAM.

VERSUS

AKHOI MIA AND ANR
S/O LATE MIRJAN ALI

2:HOKOI MIA
S/O LATE MIRJAN ALI
BOTH ARE R/O VILL. BOTORASHI
P.O. TILLABAZAR
P.S. and DIST. KARIMGANJ
ASSAM.

Advocate for : MS. R CHOUDHURY
Advocate for : MR D CHOUDHURY appearing for AKHOI MIA AND ANR

BEFORE
HON'BLE MRS. JUSTICE MITALI THAKURIA
ORDER

22-09-2025

Heard Ms. R. Choudhury, learned counsel for the appellant and Mr. D. Chakraborty, learned counsel appearing on behalf of Mr. D. Choudhury, learned counsel for the respondent Nos. 1 and 2.

It is submitted by Ms. Choudhury, learned counsel that the appellant No.1 (a) had already expired during the pendency of this case and her legal heirs i.e., the appellant Nos. 1 (b) and 1 (c) are already on record and hence, prayed for striking out the name of the appellant No. 1 (a) from the cause title of this memo of appeal.

In that context Mr. D. Chakraborty, learned counsel has no objection.

In view of this the name of the appellant No. 1 (a) may be strike out from

the cause title of this memo of appeal.

Further, it is submitted by Ms. Choudhury, learned counsel that earlier on the prayer of the appellant, the name of the respondent No.6, i.e., the proforma respondent was already strike out due to his death and at present as per her instruction, the proforma respondent Nos. 5 and 7 have already died during the pendency of this appeal and accordingly, Ms. Choudhury prayed for striking out the name of the proforma respondent Nos. 5 and 7 from the cause title of this memo of appeal.

Prayer is allowed.

Registry shall accordingly do the needful.

The TCR has not yet received.

Issue reminder.

Registry shall also do the needful in calling the TCR.

List this matter after the Puja Vacation, on a date to be fixed by the Registry.

JUDGE

Comparing Assistant