

GAHC010021822026



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

Case No. : I.A.(Civil)/482/2026

ON THE DEATH OF APPELLANT NO.1 MD. HARUN RASID LASKAR
HIS LEGAL HEIRS

1.1: JAKIR HUSSAIN LASKAR
LEGAL HEIRS OF APPELLANT NO.1 WERE SUBSTITUTED AS PER HONBLE
COURTS ORDER DATED 11.01.2017 PASSED IN I.A.(C) NO. 1603/ 2016

1.2: MOMTAZ BEGUM LASKAR
LEGAL HEIRS OF APPELLANT NO.1 WERE SUBSTITUTED AS PER HONBLE
COURTS ORDER DATED 11.01.2017 PASSED IN I.A.(C) NO. 1603/2016

1.3: ANOWAR HUSSAIN LASKAR
LEGAL HEIRS OF APPELLANT NO.1 WERE SUBSTITUTED AS PER HONBLE
COURTS ORDER DATED 11.01.2017 PASSED IN I.A.(C) NO. 1603/2016

1.4: ALTAF HUSSAIN LASKAR
LEGAL HEIRS OF APPELLANT NO.1 WERE SUBSTITUTED AS PER HONBLE
COURTS ORDER DATED 11.01.2017 PASSED IN I.A.(C) NO. 1603/2016

1.5: NAZMUL HUSSAIN LASKAR
LEGAL HEIRS OF APPELLANT NO.1 WERE SUBSTITUTED AS PER HONBLE
COURTS ORDER DATED 11.01.2017 PASSED IN I.A.(C) NO. 1603/2016

2: MD. NAJIM UDDIN LASKAR
S/O - LATE HAZI ATAUR RAHMAN LASKAR
LEGAL HEIRS OF MOJARAF ALI LASKAR AND AKLIMA BIBI LASKAR
(AKLIMA BIBI DIED ON 20.06.2013)

3: MD. KUTUB UDDIN LASKAR
S/O - LATE HAZI ATAUR RAHMAN LASKAR
LEGAL HEIRS OF MOJARAF ALI LASKAR AND AKLIMA BIBI LASKAR
(AKLIMA BIBI DIED ON 20.06.2013)

4: MD. SALIM UDDIN LASKAR
S/O - LATE HAZI ATAUR RAHMAN LASKAR
LEGAL HEIRS OF MOJARAF ALI LASKAR AND AKLIMA BIBI LASKAR
(AKLIMA BIBI DIED ON 20.06.2013)

5: MUSSTT. JOYNOB BIBI LASKAR
S/O - LATE HAZI ATAUR RAHMAN LASKAR
LEGAL HEIRS OF MOJARAF ALI LASKAR AND AKLIMA BIBI LASKAR
(AKLIMA BIBI DIED ON 20.06.2013)

6: MUSSTT. ANOWARA BEGUM LASKAR
S/O - LATE HAZI ATAUR RAHMAN LASKAR
LEGAL HEIRS OF MOJARAF ALI LASKAR AND AKLIMA BIBI LASKAR
(AKLIMA BIBI DIED ON 20.06.2013)

7: MUSSTT. SALAHA BEGUM LASKAR
S/O - LATE HAZI ATAUR RAHMAN LASKAR
LEGAL HEIRS OF MOJARAF ALI LASKAR AND AKLIMA BIBI LASKAR
(AKLIMA BIBI DIED ON 20.06.2013)

8: MUSSTT. REJIA BEGUM LASKAR
S/O - LATE HAZI ATAUR RAHMAN LASKAR
LEGAL HEIRS OF MOJARAF ALI LASKAR AND AKLIMA BIBI LASKAR
(AKLIMA BIBI DIED ON 20.06.2013)

9: MUSSTT. LUTFA BEGUM LASKAR
S/O - LATE HAZI ATAUR RAHMAN LASKAR
LEGAL HEIRS OF MOJARAF ALI LASKAR AND AKLIMA BIBI LASKAR
(AKLIMA BIBI DIED ON 20.06.2013)

10: MUSSTT. RAMJUN NEHAR
W/O LATE OAIJ UDDIN

11: MUSSTT. ABU PABIYAN
D/O LATE OAIJ UDDIN

12: MD. BAHAR UDDIN LASKAR
S/O LATE MOJOROF ALI LASKAR

13: MUSSTT. ANGURA BEGUM LASKAR
D/O LATE MOJOROF ALI LASKAR

14: MUSSTT. RUSHNA BEGUM LASKAR
D/O LATE MOJOROF ALI LASKAR

15: MUSSTT. RUKIYA BEGUM LASKAR
D/O LATE MOJOROF ALI LASKAR

16: MUSST. NAJMA BEGUM LASKAR
D/O LATE MOJOROF ALI LASKAR

17: MD. NAZRUL ISLAM LASKAR
S/O AND D/O LATE ABDUL RASHID LASKAR

18: MD. KHALIL UDDIN LASKAR
S/O AND D/O LATE ABDUL RASHID LASKAR

19: MD. SOID AHMED LASKAR
S/O AND D/O LATE ABDUL RASHID LASKAR

20: MD. GULE AHMED LASKAR
S/O AND D/O LATE ABDUL RASHID LASKAR

21: MUSTT. LATIFUL NESSA LASKAR
S/O AND D/O LATE ABDUL RASHID LASKAR

22: MUSTT. SARIFUL NESSA LASKAR
S/O AND D/O LATE ABDUL RASHID LASKAR

23: ON THE DEATH OF MD. KUTEE MIA
HIS LEGAL HEIRS

23.1: REJIA BEGUM MAZUMDER
SON

23.2: SAHARUL ISLAM MAZUMDER
SON

23.3: SAMSUL ISLAM MAZUMDER
SON

23.4: MORIAM BEGUM LASKAR
SON

23.5: JAHIRUL ISLAM MAZUMDER
SON

24: SURIYA BEGUM
DAUGHTER

25: SABIR AHMED
SON

26: KABIR AHMED
SON

27: SAFINA BEGUM
DAUGHTER

28: SOFIYA BEGUM
DAUGHTER

29: SALAH AHMED
SON

30: NOOR AHMED
SON

31: RUKIYA BEGUM
DAUGHTER

32: MD. FATIR ALI
S/O AND D/O MUSSA MIA

33: MD. FAKAR UDDIN
S/O AND D/O MUSSA MIA

34: MUSSTT. KARIMA BIBI
S/O AND D/O MUSSA MIA

35: MUSSTT. HALIMA BIBI
APPELLANT NOS.32 TO 35 ARE
S/O AND D/O MUSSA MIA
APPELLANT NOS. 1 TO 35 ARE
R/O NIJVERNERPUR
P.O. VERNERPUR
P.S. LALA
DIST HAILAKANDI
ASSAM
VERSUS

LEGAL HEIRS OF LATE KHURSED ALI LASKAR
MD. ABDUL LATIF LASKAR
HIS LEGAL HEIRS

2:MD. ABDUL WAHED LASKAR
SON

3:MD. ABDUL MALIK
SON

4:MUSSTT. FARHANA BIBI @RAHENA BIBI
W/O MD. MUSSA MIA
R/O VILL AND P.O. GHARMOORAH

P.S. KATLICHERRA
DIST HAILAKANDI
ASSAM

5:MUSSTT. FARHAN BIBI
W/O MD. HAFIZ KHALIL AHMED
R/O 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
SON

9:MD. KHADIM HUSSAIN
SON

10:MUSSTT. SALEMA AKTAR
DAUGHTER

11:MUSSTT. SAMIMA AKTAR
DAUGHTER

12:LEGAL HEIRS OF LATE MUBARAK ALI
MUSSTT. JARBUL NESSA
WIFE

13:MD. JAMAL UDDIN LASKAR
SON

14:MD. JALAL UDDIN LASKAR
SON

15:MD. NAIM UDDIN LASKAR
SON

16:MD. ANAM UDDIN LASKAR
SON

17:MD. AKRAM UDDIN LASKAR

SON

18:MUSSTT. BELUN BEGUM
DAUGHTER

19:MUSSTT. ANOWARA BEGUM
DAUGHTER

20:MUSSTT. JUBEDA BEGUM
DAUGHTER

21:MUSSTT. JILIKA BEGUM
DAUGHTER

22:MUSSTT. MALLIKA BEGUM
DAUGHTER
PROFORMA RESPONDENT NOS. 12 TO 22 ARE
R/O NIJVERNERPUR
P.O. VERNERPUR
P.S. LALA
DIST HAILAKANDI
ASSAM

Advocate for : MS. R CHOUDHURY
Advocate for : MR. N H BARBHUIYA appearing for LEGAL HEIRS OF LATE
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. 57/2016.

3. It appears from the materials on record that during the pendency of the connected RSA No. 57/2016, the deceased/appellant, i.e., Md. Kutee Mia, expired, leaving behind the following legal heirs:

1. Rejia Begum Mazumder
2. Saharul Islam Mazumder
3. Samsul Islam Mazumder
4. Moriam Begum Laskar
5. Jahirul Islam Mazumder

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. 23 in RSA No. 57/2016 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