

GAHC010021822026



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

Case No. : I.A.(Civil)/481/2026

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: MUSSTT. 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
ASSA

VERSUS

LEGAL HEIRS OF LATE KHURSED ALI LASKAR , MD. ABDUL LATIF
LASKAR
SON

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
ASSA

Advocate for the Petitioner : MS. R CHOUDHURY, MS. B. HAZARIKA

Advocate for the Respondent : MR. N H BARBHUIYA, MR M HUSSAIN

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. By way of this interlocutory application under Section 5 of the Limitation Act, 1963, the applicant is seeking condoning delay of 1531 days in filing the connected substitution application for substituting the deceased/appellant No. 23 by his legal heirs in RSA No. 57/2016.

3. It appears that during the pendency of the regular first appeal, the

appellant No. 23 died on 09.12.2019, leaving behind his legal heirs, who, the right to sue having been survived, were required to be substituted within 90 days, i.e., on or before 08.03.2020, but the same having not been able to be done in time, the appeal stood abated in respect of the deceased/appellant No. 23 by operation of law after the expiry of 90 days, i.e., after 08.03.2020. Accordingly, the instant interlocutory application for condoning the delay of 1531 days in filing the appropriate application for substituting the deceased/appellant No. 23 by his legal heirs and setting aside abatement is filed.

4. Upon hearing the learned counsel for both the parties and having perused the material available on record, it appears that the grounds for delay read as under: -

“4. That the applicants beg to state that there are no negligence and/or laches on the part of the applicant in filing the petitions in time but the delay so occurred is due to communication with the engaged counsel. The applicants when visited the chamber of his engaged counsel on 18.12.2025 to enquire about the status of the appeal, then only during conversation the applicant informed his counsel that the appellant No.23 also died and his name is required to be removed from the case. The engaged counsel informed him about the procedure of substitution of appellant also. The applicant immediately returned to his native place and tried to collect the name and address of the legal heirs of deceased appellant No.8 Thereafter, somehow, he managed to collect the signatures, name and address of the legal heirs of the appellant No.8 within a month. Thereafter the applicant immediately came to Guwahati on 18.01.2026 to fulfil the procedures and thereafter their engaged counsel took some time in preparation of the applications. Therefore, in the interest of justice, this Hon'ble Court may be pleased to allow the substitution after setting aside the abatement and condoning the delay so occurred, in respect of the deceased appellant, otherwise the applicants will suffer irreparable loss and injury.”

5. The aforesaid grounds appears to be sufficient and bonafide.

6. Accordingly, the delay of 1531 days in filing the substitution petition for substitution of the legal heirs of the deceased/appellant No. 23 is hereby

condoned.

7. With the above observation, the instant interlocutory application, stands allowed and disposed of.

JUDGE

Comparing Assistant