

GAHC010168202025



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

Case No. : I.A.(Civil)/491/2026

MD AZGAR ALI
S/O LATE JASMAT ALI

2: ABDUL HAMID
S/O LATE JASMAT ALI

RESIDENT OF VILLAGE RAMPUR
MOUZA TITAPANI
PO BAGHBOR
DIST BARPETA
ASSAM
781319

3: ABDUL AZIZ
S/O LATE JASMAT ALI

RESIDENT OF VILLAGE RAMPUR
MOUZA TITAPANI
PO BAGHBOR
DIST BARPETA
ASSAM
781319

4: MD. MAZIBUR RAHMAN
S/O LATE JASMAT ALI

RESIDENT OF VILLAGE RAMPUR
MOUZA TITAPANI
PO BAGHBOR
DIST BARPETA
ASSAM
781319

5: ON THE DEATH OF MD. ABDUL MAZID

HIS LEGAL HEIRS

5.1: SAHERA KHATUN
W/O LATE ABDUL MAZID

RESIDENT OF VILLAGE RAMPUR
MOUZA TITAPANI
PO BAGHBOR
DIST BARPETA
ASSAM
781319

5.2: MOZIRUN NESSA
D/O LATE ABDUL MAZID

RESIDENT OF VILLAGE RAMPUR
MOUZA TITAPANI
PO BAGHBOR
DIST BARPETA
ASSAM
781319

5.3: HAFIZUR RAHMAN
S/O LATE ABDUL MAZID

RESIDENT OF VILLAGE RAMPUR
MOUZA TITAPANI
PO BAGHBOR
DIST BARPETA
ASSAM
781319

5.4: HAFIZA KHATUN
D/O LATE ABDUL MAZID

RESIDENT OF VILLAGE RAMPUR
MOUZA TITAPANI
PO BAGHBOR
DIST BARPETA
ASSAM
781319

5.5: PULMOTI KHATUN
D/O LATE ABDUL MAZID

RESIDENT OF VILLAGE RAMPUR
MOUZA TITAPANI

PO BAGHBOR
DIST BARPETA
ASSAM
781319

5.6: MANAWARA KHATUN
D/O LATE ABDUL MAZID

RESIDENT OF VILLAGE RAMPUR
MOUZA TITAPANI
PO BAGHBOR
DIST BARPETA
ASSAM
781319
VERSUS

ON THE DEETAH OF MUSSTT. AYESHA KHATEN
HER LEGAL HEIRS
ASIRUDDIN

S.O LATE AYESHA KHATUN

RESIDENT OF VILLAGE CHANMAMA
MOUZA TITAPANI
PO BAGHBOR
DIST BARPETA
ASSAM.781319

2:ASMET ALI
S.O LATE AYESHA KHATUN

RESIDENT OF VILLAGE CHANMAMA
MOUZA TITAPANI
PO BAGHBOR
DIST BARPETA
ASSAM.781319

3:JASMAT LI
S.O LATE AYESHA KHATUN

RESIDENT OF VILLAGE CHANMAMA
MOUZA TITAPANI
PO BAGHBOR
DIST BARPETA
ASSAM.781319

4:SUNAR ALI
S.O LATE AYESHA KHATUN

RESIDENT OF VILLAGE CHANMAMA
MOUZA TITAPANI
PO BAGHBOR
DIST BARPETA
ASSAM.781319

5:SAIFUL ISLAM
S.O LATE AYESHA KHATUN

RESIDENT OF VILLAGE CHANMAMA
MOUZA TITAPANI
PO BAGHBOR
DIST BARPETA
ASSAM.781319

Advocate for : MR B DEORI
Advocate for : S K PODDAR appearing for ON THE DEETAH OF MUSSTT.
AYESHA KHATEN
HER LEGAL HEIRS
ASIRUDDIN

Linked Case :CRP(IO)/297/2025

MD AZGAR ALI AND ORS
S/O- LATE JASMAT ALI ,
BARPETA

2: ABDUL HSMID
S/O- LATE JASMAT ALI

3: MD. ABDUL AZIZ
S/O- LATE JASMAT ALI

4: MD. MAZIBUR RAHMAN
S/O- LATE JASMAT ALI

5: ON THE DEATH OF MD. ABDUL MAZID HIS HEIRS AND LEGAL
REPRESENTATIVES

5.1. SAHERA KHATUN
AGE 54 YRS

5.2 MOZIRUN NESSA
AGE
27YRS

5.3 HAFIZUR RAHMAN
AGE 24 YRS

5.4 HAFIZA KHATUN AGE 24 YRS

5.5 PULMOTI KHATUN
AGE 23 YRS

MANAWARA KHATUN
AGE 18 YRS

NO- 5.1 IS WIFE OF LATE ABDUL MAZID
AND

5.2 TO 5.4 ARE DAUGHTERS OF LATE ABDUL MAZID

ALL ARE RESIDENTS OF VILLAGE RAMPUR
MOUZA- TITAPANI
P.O- BAGHBOR
DIST- BARPETA
ASSAM
PIN-78131

VERSUS

GOMAR ALI AND ORS
S/O- LATE HAZRAT ALI,
BARPETA

2:MD. OMAR ALI
S/O- LATE HAZRAT ALI

BARPETA

3:MD. ABDUL MAZID
S/O- LATE HAZRAT ALI

BARPETA

5:MD. SAJAHAN ALI
S/O- LATE HAZRAT ALI

BARPETA

SL.NO 1 TO 5 ARE R.O- VILLAGE- TITAPANI
MOUZA- TITAPANI
P.O- BAGHBOR
DIST- BARPETA

ASSAM
PIN-781319

6:MUSTT AYESHA KHATUN
W/O-MD. KHALIL UDDIN

BARPETA

SL.NO 1 TO 5 ARE R.O- VILLAGE- TITAPANI
MOUZA- TITAPANI
P.O- BAGHBOR
DIST- BARPETA
ASSAM
PIN-781319

7:ON THE DEATH OF MUSTT
AMENA KHATUN
7.1 AMZAD ALI

7.2 ANOWAR HUSSAIN

7.3 ANOWARA KHATUN

7.4 SAHAR BHANU

7.5 AIE BHANU

7.6 TARA BHANU
ALL ARE SONS AND DAUGHTERS OF LATE AMENA KHATUN

R.O- VILLAGE- TITAPANI
MOUZA- TITAPANI
P.O- BAGHBOR
DIST- BARPETA
ASSAM
PIN-781319

8:MUSTT MARIAM NESSA
W/O- LATE ABDUL AZIZ

9:MUSTT MAYFUL KHATUN
W/O- MD. ABU SIDDIQUE

SL.NO 8 AND 9 ARE R/O- VILL- KADAMTOLA
MOUZA- BAGHBOR
P.O- BAGHBOR

DIST- BARPETA
ASSAM
PIN-78131

Advocate for the Petitioner : MR B DEORI, MR G BHARADWAJ,MR. A C SARMA

Advocate for the Respondent : S K PODDAR (R1-R3, R5, R7.1-R7.6, R8, R9), R MANDAL (R1-R3, R5, R7.1-R7.6, R8, R9),MS. N PODDAR (R1-R3, R5, R7.1-R7.6, R8, R9),MR. C SHARMA (R1-R3, R5, R7.1-R7.6, R8, R9)

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

25.02.2026

Heard Mr. A. Khanikar, learned counsel for the applicant and Mr. S. K. Poddar, learned counsel for the opposite party.

2. This application, under Order I Rule 10(2), read with Section 151 of the Code of Civil Procedure, is preferred by the applicant for impleadment of the legal heirs of the respondent No. 6, in the CRP(IO) No. 297/2025.

3. Mr. Khanikar, learned counsel for the applicant submits that the respondent No. 6 had died during the pendency of the execution case, on 19.05.2020, and as such, his legal representatives are required to be brought on record, in CRP(IO) No. 297/2025.

4. Mr. Poddar, learned counsel for the opposite party submits that he has no objection in the event of allowing the same.

5. Accordingly, taking note of the submissions of the learned counsel for both

the parties, this interlocutory application stands allowed.

6. The legal representatives of the respondent No. 6 shall be impleaded in the CRP(IO) No. 297/2025.

7. In view of the order passed in this interlocutory application, Mr. Khanikar, learned counsel for the applicant shall file amended cause title in the CRP(IO) No. 297/2025, within a period of 1 (one) week from today.

8. Mr. Khanikar, learned counsel for the applicant submits that even though he had filed Vakalatnama yesterday, his name has not been reflected in the cause list. The Registry shall do the needful in this regard.

9. List the CRP(IO) No. 297/2025, on **16.03.2026**.

10. The interim order passed earlier in CRP(IO) No. 297/2025, shall continue.

JUDGE

Comparing Assistant