

GAHC010003152012



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

Case No. : I.A.(Civil)/4174/2025

ON THE DEATH OF RAMELA KHATUN

HER LEGAL HEIRS

1.1: RUKIA BEGUM
W/O SHAHIDUL ISLAM

RESIDENT OF VILLAGE HABIBHANGA
PO AND PS KALAIGAON
DIST UDALGURI
BTR
ASSAM 784525

1.2: GAFUR ALI

S/O RUSTAM ALI

RESIDENT OF VILLAGE SINGRIMARI
BAGICHA
PO AND PS KALAIGAON
DIST UDALGURI
ASSAM
BTR
ASSAM 784525

1.3: NURJAHAN BEGUM
W/O JULFIKAR ALI

RESIDENT OF VILLAGE NO. 2
SINGRIMARI
PO AND PS KALAIGAON
DIST UDALGURI

BTR
ASSAM
784525

1.4: RAHIMA BEGUM (WIDOW)
D/O RUSTAM ALI

RESIDENT OF SINGRIMARI BAGICHA
PO AND PS KALAIGAON
DIST UDALGURI
BTR
ASSAM 784525

1.5: NAZRUL ALI
S/O RUSTAM ALI

RESIDENT OF VILLAGE HABIBHANGA
PO AND PS KALAIGAON
DIST UDALGURI
BTR
ASSAM
784525
VERSUS

LEGAL HEIRS OF TARUBAL SAHA
SRI JAGADISH CHANDRA SAHA
S/O LATE RAKHAL CH. SAHA
RESIDENT OF HOWLY TOWN
WARD NO. 2
MOUZA GHILAJARI
PO HOWLY
PS AND DIST BARPETA ASSAM

2:SRI PRADIP KR. SAHA
S/O LATE RAKHAL CH. SAHA

RESIDENT OF HOWLY TOWN
WARD NO. 2
MOUZA GHILAJARI
PO HOWLY
PS AND DIST BARPETA ASSAM

Advocate for : MD S HUSSAIN
Advocate for : MR. A R SIKDAR appearing for LEGAL HEIRS OF TARUBAL
SAHA
SRI JAGADISH CHANDRA SAHA

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN**

ORDER

07.01.2026

Heard Mr. S. Hussain, learned counsel for the applicant and Mr. A. Hussain, learned counsel for the opposite party.

2. This application, under Section 5 of the Limitation Act, is preferred by the applicant for condoning the delay of 936 days in preferring the connected substitution application.

3. The learned counsel for the applicant submits that the appellant No. 5, in RSA No. 22/2012, suffered demise during the Covid period and the same has not been informed to the applicant herein and for which, the substitution petition could not be filed in time and that the delay is not intentional, rather it is circumstantial and therefore, it is contended to allow this petition.

4. The learned counsel for the opposite party submits that he has no objection in the event of allowing this application.

5. Considering the submissions of learned counsel for both the parties and also considering the explanation so forthcoming for delay of 936 days in preferring the substitution petition, this Court is inclined to allow this application and accordingly, the said delay stands condoned.

6. In terms of above, this I.A. stands disposed of.

JUDGE

Comparing Assistant