

GAHC010145302022



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

Case No. : I.A.(Civil)/2219/2022

NARAYAN GHOSH AND ANR.

S/O- LATE JASHODALAL GHOSH, R/O- A.T. ROAD, C/O- NARAYAN BAKERY,
OPPOSITE SARAB MOTORS, GUWAHATI, DIST.- KAMRUP(M), ASSAM, PIN-
781001.

2: SMT. ITI GHOSH

D/O- LATE JASHODALAL GHOSH

R/O- A.T. ROAD

C/O- NARAYAN BAKERY

OPPOSITE SARAB MOTORS

GUWAHATI

DIST.- KAMRUP(M)

ASSAM

PIN-781001

VERSUS

ON THE DEATH OF ASHA ROUT

W/O SRI NARAYAN ROUT, BEING REPRESENTED BY HER LEGAL
REPRESENTATIVES

1.1:NARAYAN ROUT

S/O UNKNOWN

R/O KALASHANI APARTMENT

FLAT NO. 1H

SOLAPARA ROAD

PALTAN BAZAR

GUWAHATI

DIST-KAMRUP(M)

ASSAM

PIN-781008

1.2:SANJAY ROUT

S/O SRI NARAYAN ROUT

R/O KALASHANI APARTMENT
FLAT NO. 1H
SOLAPARA ROAD
PALTAN BAZAR
GUWAHATI
DIST-KAMRUP(M)
ASSAM
PIN-781008

1.3:SANJIMA LAL
D/O SRI NARAYAN ROUT
R/O KALASHANI APARTMENT
FLAT NO. 1H
SOLAPARA ROAD
PALTAN BAZAR
GUWAHATI
DIST-KAMRUP(M)
ASSAM
PIN-781008

1.4:SRI SAROJ ROUT
S/O SRI NARAYAN ROUT
R/O KALASHANI APARTMENT
FLAT NO. 1H
SOLAPARA ROAD
PALTAN BAZAR
GUWAHATI
DIST-KAMRUP(M)
ASSAM
PIN-781008

1.5:SMT. SUDHA ROUT
D/O SRI NARAYAN ROUT
R/O KALASHANI APARTMENT
FLAT NO. 1H
SOLAPARA ROAD
PALTAN BAZAR
GUWAHATI
DIST-KAMRUP(M)
ASSAM
PIN-78100

Advocate for the Petitioner : MS P D NAIR

Advocate for the Respondent :

Linked Case : I.A.(Civil)/550/2022

NARAYAN GHOSH AND ANR.
S/O- LATE JASHODALAL GHOSH
R/O- A.T. ROAD
C/O- NARAYAN BAKERY
OPPOSITE SARAB MOTORS
GUWAHATI
DIST.- KAMRUP(M)
ASSAM
PIN-781001.

2: SMT. ITI GHOSH
D/O- LATE JASHODALAL GHOSH
R/O- A.T. ROAD
C/O- NARAYAN BAKERY
OPPOSITE SARAB MOTORS
GUWAHATI
DIST.- KAMRUP(M)
ASSAM
PIN-781001.
VERSUS

ASHA ROUT
W/O- SRI NARAYAN ROUT
R/O- KALASHANI APARTMENT
FLAT NO. 1H
SOLAPARA ROAD
PALTANBAZAR
GUWAHATI
DIST.- KAMRUP(METRO)
ASSAM
PIN- 781008.

Advocate for : MS P D NAIR
Advocate for : appearing for ASHA ROUT

**BEFORE
HONOURABLE MR. JUSTICE K. SEMA**

ORDER

Date : 02.12.2022

Heard Mr. G. Alam, learned counsel for the applicant.

This application is filed under Section 151 of the Code of Civil Procedure 1908 seeking for stay of the proceeding in Title Execution No. 21/2020 pending before the learned Munsiff No. 4 Kamrup (M), Guwahati till the disposal of the connected delay condonation application being filed in preferring the Civil Revision Petition. The learned counsel for the applicant submits that during the pendency of this application the sole respondent has expired and by the order passed in I.A.(C) No. 2219/2022 the sole respondent has been substituted by the names of the legal representatives, namely, 1. Sri Narayat Rout (husband of the deceased respondent), 2. Sri Sanjay Rout (Son of the deceased respondent), 3. Smti. Sanjeema Rout (daughter of the deceased respondent), 4. Sri Saroj Rout (Son of the deceased respondent and 5. Smt. Sudha Rout (daughter of the deceased respondent). In the present application too it is submitted that the name of the Opposite party/ sole respondent may be substituted by the legal representatives.

The Registry shall take steps for making necessary correction in the cause title for substituting the legal representatives of the deceased respondent.

The learned counsel for the applicant shall take steps for service of notice upon the newly impleaded respondent by registered post with A/D within a period of 2 weeks from today.

List it after 4 weeks on a date to be fixed by the Registry.

The interim order dated 04.03.2022 passed by this Court shall continue till the next returnable date.

JUDGE

Comparing Assistant