

GAHC010043932025



2026:GAU-AS:2611

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

Case No. : I.A.(Civil)/846/2025

ON THE DEATH OF SMTI MRINALINI DEVI
HER HEIRS AND LEGAL REPRESENTATIVES SOUBIR NARAYAN KOER AND
3 ORS

2: ARIJIT NARAYAN KOER
S/O LATE MRINALINI DEVI
RESIDENT OF LOWER LACHAMERE
SHILLONG 1
MEGHALAYA

3: SUJIT NARAYAN KOER
S/O LATE MRINALINI DEVI
RESIDENT OF LOWER LACHAMERE
SHILLONG 1
MEGHALAYA

4: MALABIKA ADHIKARI
POWER ATTORNEY HOLDER OF APPELANT NO. 1
2 AND 3

D/O LATE MRINALINI DEVI
RESIDENT OF GOPINATH NAGAR
HOUSE NO 129
BYE LANE 4. KAMRUP M GUWAHATI 78101

VERSUS

SMTI BHARATI BORKAKATI AND 11 ORS
W/O LATE ROHINI BARKAKATI REHABARI, BILPAR, GUWAHATI 781008

2:M/S YEAST INFRASTRUCTURES (PVT.) LTD
REGISTERED OFFICE AT AMAGE SHOPPING MALL
AT ROAD
GUWAHATI 781001

3:SMTI. PUSPA DAS
W/O LATE PARIKSHIT DAS
CHANDMARI
GUWAHATI 03

4:SMTI NIRUPAMA DAS
W/O R DAS
FA ROAD
KUMARPARA
GUWAHATI 09

5:SRI RANEN BORKAKATI
S/O LATE BHABANI PRASAD BORKAKATI
RESIDENT OF FA ROAD
KUMARPARA GUWAHATI 09

6:SRI RATHEN BORKAKATI
S/O LATE BHABANI PRASAD BORKAKATI
RESIDENT OF FA ROAD
KUMARPARA GUWAHATI 09

7:SRI RUPAM BORKAKATI
S/O LATE BHABANI PRASAD BORKAKATI
RESIDENT OF FA ROAD
KUMARPARA GUWAHATI 09

8:SRI RUPEN BORKAKATI
S/O LATE BHABANI PRASAD BORKAKATI
RESIDENT OF FA ROAD
KUMARPARA GUWAHATI 09

9:SRI RAJIB BORKAKATI
S/O LATE BHABANI PRASAD BORKAKATI
RESIDENT OF FA ROAD
KUMARPARA GUWAHATI 09

10:SMTI DEVIKA BARUA
W/O SRI SACHIN BARUA
BHARALUMUKH
781009

11:SMTI DIPIKA TALUKDAR
W/O LATE HAREN TALUKDAR

BIJOYNAGAR
PALASHBARI 781128

12:SMTI. RUMA BORA
W/O SRI RAJEN BORA
JATIA
DISPUR
GUWAHATI
78100

Advocate for the Petitioner : MR RATUL BARUAH, MR. A IKBAL,MR. R BARUAH,A I AHMED

Advocate for the Respondent : MR. R K JAIN, TULIKA BORAH, FOR CAVEATOR

In

Case : RFA/135/2018

ON THE DEATH OF SMTI MRINALINI DEVI HER HEIRS AND LEGAL
REPRESENTATIVES SOUBIR NARAYAN KOER AND 3
S/O LATE MRINALINI DEVI
RESIDENT OF LOWER LACHAMERE
SHILLONG 1
MEGHALAYA

2: ARIJIT NARAYAN KOER
S/O LATE MRINALINI DEVI
RESIDENT OF LOWER LACHAMERE
SHILLONG 1
MEGHALAYA

3: SUJIT NARAYAN KOER
S/O LATE MRINALINI DEVI
RESIDENT OF LOWER LACHAMERE
SHILLONG 1
MEGHALAYA

4: MALABIKA ADHIKARI
POWER ATTORNEY HOLDER OF APPELANT NO. 1
2 AND 3

D/O LATE MRINALINI DEVI
RESIDENT OF GOPINATH NAGAR

HOUSE NO 129
BYE LANE 4. KAMRUP M GUWAHATI 781016
VERSUS

SMTI BHARATI BORKAKATI AND 11 ORS
W/O LATE ROHINI BARKAKATI
REHABARI
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2:M/S YEAST INFRASTRUCTURES (PVT.) LTD
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3:SMTI. PUSPA DAS
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PALASHBARI 781128

12:SMTI. RUMA BORA
W/O SRI RAJEN BORA
JATIA
DISPUR
GUWAHATI
781005

Advocate for : MR S ALI
Advocate for : MR. R K JAIN appearing for SMTI BHARATI BORKAKATI AND 11
ORS

WITH
RFA Case No. 135/2018
WITH
I.A.(Civil) Case No. 3800/2018
In
RFA Case No. 135/2018
WITH
I.A.(Civil) Case No. 4320/2018
In
RFA Case No. 135/2018

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

20.02.2026

[1] Heard Ms. J. Sharma, the learned counsel for the applicant. Also heard Ms. T. Borah, the learned counsel for the respondent No. 2.

[2] This application under Order III Rule 4(2) of the Code of Civil Procedure, 1908 has been filed by the engaged counsel for the applicant in connection with RFA No. 135/2018, whereby the engaged counsel have prayed for determination of their engaged counsel and withdrawal of the Vakalatnama.

[3] The learned counsel for the applicant submits that the learned counsel is unable to contact the applicant in spite of repeated attempts, she submits that even a notice regarding withdrawal of Vakalatnama by the engaged set of counsel has been sent to the appellant by registered post with A/D and in spite of receipt of the said notice, the applicant has not contacted the engaged counsel.

[4] In support of her submissions, the learned counsel for the applicant has furnished the notice dated 11.02.2025 as well as postal track consignment report wherein the said notice is shown to be delivered today.

[5] I have considered the submissions made by the learned

counsel for the applicant.

[6] Considering the averments made in the interlocutory application as well as annexure annexed thereto and reasons shown by the learned counsel for the appellant, the prayer is allowed.

[7] The engaged counsel for the applicant are allowed to withdraw the Vakalatnama from the connected RFA No. 135/2018.

[8] The Registry is directed to not to show the name of Mr. A.I. Ahmed, Ms. T. Borah, and Mr. A. Ikbal as well as Mr. S. Ali, as engaged counsel for the applicant/appellant in the aforesaid case in the cause-list henceforth.

[9] This interlocutory application is accordingly allowed.

JUDGE

Comparing Assistant