

GAHC010257552023



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

**Case No. : I.A.(Civil)/3393/2023**

ISMAIL HUSSAIN @ PUTU and 2 ORS  
S/O LATE EUNUS ALI, RESIDENT OF VILLAGE BAUSIPARA, SWARAJ  
ROAD, P.O. AND P.S. GOALPARA, PIN 783101, DIST. GOALPARA, ASSAM.

2: MD. ABDUL AZIZ @ AZIZ  
S/O LATE ELAHI SHEIKH  
RESIDENT OF VILLAGE BAUSIPARA  
SWARAJ ROAD  
P.O. AND P.S. GOALPARA  
PIN 783101  
DIST. GOALPARA  
ASSAM.

3.1: MD. ALISH ALI @ BATCHU HIS LEGAL HEIRS  
ANSUIRA BEGUM  
W/O LATE MD. ALISH ALI @ BATCHU  
RESIDENT OF VILLAGE BAUSIPARA  
SWARAJ ROAD  
P.O. AND P.S. GOALPARA  
PIN 783101  
DIST. GOALPARA  
ASSAM.

3.2: ASIF ALI

S/O LATE MD. ALISH ALI @ BATCHU  
RESIDENT OF VILLAGE BAUSIPARA  
SWARAJ ROAD  
P.O. AND P.S. GOALPARA  
PIN 783101  
DIST. GOALPARA  
ASSAM.

3.3: IRFAN ALI

S/O LATE MD. ALISH ALI @ BATCHU  
RESIDENT OF VILLAGE BAUSIPARA  
SWARAJ ROAD  
P.O. AND P.S. GOALPARA  
PIN 783101  
DIST. GOALPARA  
ASSAM

VERSUS

ON THE DEATH OF MONOWAR HUSSAIN HIS LEGAL HEIRS MAHNAJ  
MONOWAR AND ANR.  
D/O LATE MONOWAR HUSSAIN, W/O GUDDU KHAN, RESIDENT OF SIX  
MILE, P.S. KHANAPARA, DIST. KAMRUP(M), PIN 781022.

3.3: SHAHANAJ MONOWAR  
D/O LATE MONOWAR HUSSAIN  
W/O IFTIKAR ALI  
RESIDENT OF BAKUR PARA  
PART-II  
P.O. AND P.S. GOALPARA  
DIST. GOALPARA  
PIN 783101

**Advocate for the Petitioner** : MS.R CHOUDHURY,

**Advocate for the Respondent** : ,

Linked Case : I.A.(Civil)/2024/2022

ISMAIL HUSSAIN @ PUTU and 2 ORS  
S/O LATE EUNUS ALI  
RESIDENT OF VILLAGE BAUSIPARA  
SWARAJ ROAD  
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S/O LATE ELAHI SHEIKH  
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RESIDENT OF VILLAGE BAUSIPARA  
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VERSUS

ON THE DEATH OF MOMOWAR HUSSAON THE DEATH OF MOMOWAR  
HUSSAIN  
HIS LEGAL HEIRS MAHNAJ MONOWAR AND AN  
D/O LATE MONOWAR HUSSAIN  
W/O GUDDU KHAN  
RESIDENT OF SIX MILE  
P.S. KHANAPARA  
DIST. KAMRUP(M)  
PIN 781022.

2: SHAHANAJ MONOWAR  
D/O LATE MONOWAR HUSSAIN  
W/O IFTIKAR ALI  
RESIDENT OF BAKUR PARA  
PART-II  
P.O. AND P.S. GOALPARA  
DIST. GOALPARA  
PIN 783101.

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Advocate for : MS.R CHOUDHURY  
Advocate for : appearing for ON THE DEATH OF MOMOWAR HUSSAON THE  
DEATH OF MOMOWAR HUSSAIN  
HIS LEGAL HEIRS MAHNAJ MONOWAR AND AN

Linked Case : I.A.(Civil)/3390/2023

ISMAIL HUSSAIN @ PUTU and 2 ORS  
S/O LATE EUNUS ALI  
RESIDENT OF VILLAGE BAUSIPARA  
SWARAJ ROAD

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S/O LATE ELAHI SHEIKH  
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RESIDENT OF VILLAGE BAUSIPARA  
SWARAJ ROAD  
P.O. AND P.S. GOALPARA  
PIN 783101  
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VERSUS

ON THE DEATH OF MONOWAR HUSSAIN HIS LEGAL HEIRS MAHNAJ  
MONOWAR AND ANR.  
D/O LATE MONOWAR HUSSAIN

W/O GUDDU KHAN  
RESIDENT OF SIX MILE  
P.S. KHANAPARA  
DIST. KAMRUP(M)  
PIN 781022.

3.3:SHAHANAJ MONOWAR  
D/O LATE MONOWAR HUSSAIN  
W/O IFTIKAR ALI  
RESIDENT OF BAKUR PARA  
PART-II  
P.O. AND P.S. GOALPARA  
DIST. GOALPARA  
PIN 783101.

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Advocate for : MS.R CHOUDHURY  
Advocate for : MR. A K RAY appearing for ON THE DEATH OF MONOWAR  
HUSSAIN HIS LEGAL HEIRS MAHNAJ MONOWAR AND ANR.

Linked Case : I.A.(Civil)/3388/2023

ISMAIL HUSSAIN @ PUTU and 2 ORS  
S/O LATE EUNUS ALI  
RESIDENT OF VILLAGE BAUSIPARA  
SWARAJ ROAD  
P.O. AND P.S. GOALPARA  
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S/O LATE ELAHI SHEIKH  
RESIDENT OF VILLAGE BAUSIPARA  
SWARAJ ROAD  
P.O. AND P.S. GOALPARA  
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ANSUIRA BEGUM  
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RESIDENT OF VILLAGE BAUSIPARA  
SWARAJ ROAD  
P.O. AND P.S. GOALPARA  
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DIST. GOALPARA  
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SWARAJ ROAD  
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RESIDENT OF VILLAGE BAUSIPARA  
SWARAJ ROAD  
P.O. AND P.S. GOALPARA  
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VERSUS

ON THE DEATH OF MONOWAR HUSSAIN HIS LEGAL HEIRS MAHNAJ  
MONOWAR AND ANR.

D/O LATE MONOWAR HUSSAIN  
W/O GUDDU KHAN  
RESIDENT OF SIX MILE  
P.S. KHANAPARA  
DIST. KAMRUP(M)  
PIN 781022.

2: SHAHANAJ MONOWAR  
D/O LATE MONOWAR HUSSAIN  
W/O IFTIKAR ALI  
RESIDENT OF BAKUR PARA  
PART-II  
P.O. AND P.S. GOALPARA  
DIST. GOALPARA  
PIN 783101.

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Advocate for : MS.R CHOUDHURY  
Advocate for : MR. A K RAY appearing for ON THE DEATH OF MONOWAR  
HUSSAIN HIS LEGAL HEIRS MAHNAJ MONOWAR AND ANR.

Linked Case : RSA/322/2017

ISMAIL HUSSAIN @ PUTU and 2 ORS  
S/O LATE EUNUS ALI

2: MD. ABDUL AZIZ @ AZIZ  
S/O LATE ELAHI SHEIKH

3: MD. ALISH ALI @ BATCHU  
S/O LATE JOBBAR ALI  
ALL ARE R/O VILL. BAUSIAPARA  
SWARAJ ROAD  
P.O. and P.S. GOALPARA  
PIN 783101  
DIST. GOALPARA  
ASSAM.  
VERSUS

MONOWAR HUSSAIN  
S/O LATE MOHAMMAD HUSSAIN  
VILL. BAUSIAPARA  
SWARAJ ROAD  
P.S. and P.O. GOALPARA  
PIN 783101  
DIST. GOALPARA  
ASSAM.

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Advocate for : MS.R CHOUDHURY  
Advocate for : MR A K RAI appearing for MONOWAR HUSSAIN

Linked Case : I.A.(Civil)/2023/2022

ISMAIL HUSSAIN @ PUTU and 2 ORS  
S/O LATE EUNUS ALI  
RESIDENT OF VILLAGE BAUSIPARA  
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MONOWAR AND ANR.  
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Advocate for : MS.R CHOUDHURY  
Advocate for : MR A K RAI appearing for ON THE DEATH OF MONOWAR  
HUSSAIN HIS LEGAL HEIRS MAHNAJ MONOWAR AND ANR.

Linked Case : I.A.(Civil)/3392/2023

ISMAIL HUSSAIN @ PUTU and 2 ORS  
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Advocate for : appearing for ON THE DEATH OF MONOWAR HUSSAIN HIS  
LEGAL HEIRS MAHNAJ MONOWAR AND ANR.

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

**ORDER**

**Date : 23.09.2024**

Heard Mr. A. K. Rai, learned counsel for the respondents who prays for an adjournment on the ground of personal difficulty.

He has submitted that he has informed the learned counsel for the appellants regarding his prayer for adjournment.

Prayer is allowed.

List this matter after 4(four) weeks, on a date to be fixed by the Registry.

**JUDGE**

**Comparing Assistant**