

GAHC010005692026



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

Case No. : I.A.(Civil)/101/2026

ON THE DEATH OF ISMAIL HUSSAIN alias PUTU ALIAS ISMAIL ALI
HIS LEGAL HEIRS

1.1: YATUN NESSA

WIFE

C/O YATUN NESSA

W/O LATE ISMAIL HUSSAIN @ ISMAIL ALI @ PUTU
RESIDENT OF VILLAGE GOALPARA TOWN
WARD NO. 4
PS AND SUB DIVISION GOALPARA
DIST GOALPARA
ASSAM

1.2: RUPA BEGUM
DAUGHTER

C/O YATUN NESSA

W/O LATE ISMAIL HUSSAIN @ ISMAIL ALI @ PUTU
RESIDENT OF VILLAGE GOALPARA TOWN
WARD NO. 4
PS AND SUB DIVISION GOALPARA
DIST GOALPARA
ASSAM

1.3: RUPAM ALI
SON
C/O YATUN NESSA

W/O LATE ISMAIL HUSSAIN @ ISMAIL ALI @ PUTU

RESIDENT OF VILLAGE GOALPARA TOWN
WARD NO. 4
PS AND SUB DIVISION GOALPARA
DIST GOALPARA
ASSAM

1.4: EAR HUSSAIN
SON
C/O YATUN NESSA

W/O LATE ISMAIL HUSSAIN @ ISMAIL ALI @ PUTU
RESIDENT OF VILLAGE GOALPARA TOWN
WARD NO. 4
PS AND SUB DIVISION GOALPARA
DIST GOALPARA
ASSAM

1.5: EYAKUB HUSSAIN
SON
C/O YATUN NESSA

W/O LATE ISMAIL HUSSAIN @ ISMAIL ALI @ PUTU
RESIDENT OF VILLAGE GOALPARA TOWN
WARD NO. 4
PS AND SUB DIVISION GOALPARA
DIST GOALPARA
ASSAM

1.6: RUBINA KHATUN
DAUGHTER
C/O YATUN NESSA

W/O LATE ISMAIL HUSSAIN @ ISMAIL ALI @ PUTU
RESIDENT OF VILLAGE GOALPARA TOWN
WARD NO. 4
PS AND SUB DIVISION GOALPARA
DIST GOALPARA
ASSAM

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

3: ON THE DEATH OF MD. ALISH ALI @ BATCHU
HIS LEGAL HEIRS

3.1: ANSURA BEGUM
W/O LATE MD ALISH ALI
R/O VILL. BAUSIAPARA

SWARAJ ROAD
P.O. and P.S. GOALPARA
PIN 783101
DIST. GOALPARA
ASSAM.

3.2: ASIF ALI
S/O LATE MD ALISH ALI
R/O VILL. BAUSIAPARA
SWARAJ ROAD
P.O. and P.S. GOALPARA
PIN 783101
DIST. GOALPARA
ASSAM.

3.3: IRFAN ALI
S/O LATE MD ALISH ALI
R/O VILL. BAUSIAPARA
SWARAJ ROAD
P.O. and P.S. GOALPARA
PIN 783101
DIST. GOALPARA
ASSAM

VERSUS

ON THE DEATH OF MONOWAR HUSSAIN,
HIS LEGAL HEIRS

2:MEHNAJ MONOWAR
D/O LATE MONOWAR HUSSAIN
WO GUDDU KHAN
RO SIX MILE
PO AND PS KHANAPARA
DIST KAMRUP (M)
ASSAM
PIN 781002

3:SAHNAJ MONOWAR
D/O LATE MONOWAR HUSSAIN
W/O GUDDU KHAN
R/O SIX MILE
PO AND PS KHANAPARA
DIST KAMRUP (M)
ASSAM
PIN 78100

Advocate for the Respondent : MR A K RAI, MS. N RAI,MR. T R ROY

In
RSA Case No. 322/2017
With
RSA Case No. 322/2017

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

ORDER

28.01.2026

[1] Heard Ms. R. Choudhury, learned counsel for the applicant. Also heard Mr. A. Khan, the learned counsel for the respondent Nos. 1.1 and 1.2.

[2] This interlocutory application has been filed under Order XXII Rule 3 of the Code of Civil Procedure, 1908 praying for substitution of the legal heirs of the appellant No. 1 in connected RSA No. 322/2017.

[3] The learned counsel for the applicant has submitted that in the connected regular second appeal the appellant No. 1 had died on 01.11.2025, leaving behind six legal heirs as mentioned in paragraph No. 3 of this application.

[4] She submits that the substitution application has been filed within the prescribed period of limitation and therefore, prays for

allowing the aforesaid substitution.

[5] Mr. A. Khan, the learned counsel for the raise does not raise any objection.

[6] I have considered the submissions made by the learned counsel for both sides and have gone through the materials available on record.

[7] Since this application has been filed within the period of limitation for substituting the legal heirs of deceased appellant No. 1 and since same has not been objected to, it is allowed.

[8] The names of Yatun Nessa, Rupa Begum, Rupam Ali, Ear Hussain, Eyakub Hussain and Rubina Khatun be substituted as applicant No. 1.1, applicant No. 1.2, applicant No. 1.3, applicant No. 1.4, applicant No. 1.5 and applicant No. 1.6 respectively in place of the deceased appellant No. 1, namely, Ismail Hussain@Putu@Ismail Ali, this interlocutory application is accordingly disposed of.

[9] The applicant is directed to file amended cause-title in the memo of appeal in the connected RSA No. 322/2017 within 7(seven) days from the date of this order.

[10] List this matter again on 26th February, 2026.

[11] The learned counsel for the respondent No. 1 has also submitted that in the memo of appeal the spelling of the names of respondent No. 1.1 and respondent No. 1.2 are wrong instead of Mehnaj Monowar, it ought to have been Mahenaaz Monowar and

instead of Sahanaj Monowar, it ought to have been Shahnaaz Monowar.

[12] The learned counsel for the applicant/appellant has submitted that she may be allowed to rectify the same in the amended cause-title.

[13] List accordingly.

JUDGE

Comparing Assistant