

GAHC010200772004



undefined

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

Case No. : I.A.(Civil)/802/2026

NATIONAL INSURANCE CO LTD
HAVING ITS REGISTERED OFFICE AT MIDDLETON STREET
KOLKATA AND ONE OF THE REGIONAL OFFICES KNOWN AS GUWAHATI
REGIONAL OFFICE
G.S. ROAD
BHANGAGARH
GUWAHATI AND A DIVISIONAL OFFICE AT TINSUKIA

VERSUS

MOHAMMAD NIZAM UDDIN AND ORS
S/O LATE ASMA BEGUM .
RESIDENT OF A.P.O COLONY
PO AND PS MARGHERITA
DIST TINSUKIA
ASSAM

1.2:MOHAMMAD ANAM UDDIN

S/O LATE ASMA BEGUM .
RESIDENT OF A.P.O COLONY
PO AND PS MARGHERITA
DIST TINSUKIA
ASSAM

1.3:MOHAMMAD BURHAN UDDIN

S/O LATE ASMA BEGUM .
RESIDENT OF A.P.O COLONY

PO AND PS MARGHERITA
DIST TINSUKIA
ASSAM

2:MD. ALAUDDIN
S/O LATE KHURSID ALI

RESIDENT OF A.P.O COLONY
PO AND PS MARGHERITA
DIST TINSUKIA
ASSAM

Advocate for : MR. R K BHATRA
Advocate for : MR G N SAHEWALLA appearing for MOHAMMAD NIZAM UDDIN
AND ORS

Linked Case :**MACApp./146/2004**

NATIONAL INSURANCE CO LTD

VERSUS

ASMA BEGUM

Advocate for the Petitioner : R K BHATRA, MR. H BURAGOHAIN,K K
BHATTA,S S SARMA

Advocate for the Respondent : A JALLAN, D SENAPATI,G N SAHEWALLA,P
BORA,MD ASLAM,N A SINGH,S SENAPATI

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

ORDER

Date : 30.03.2026

1. Heard Ms. A. Biyani the learned counsel for the applicant. Also heard Ms. K. Sharma, the learned counsel for the respondents.
2. This application under Order 22 Rule 4 of the Code of Civil Procedure, 1908 has been filed by the applicant/National Insurance Company Limited for substituting the legal heirs of deceased respondent No. 1, namely, late Asma Begum, who had expired on 08.10.2022.
3. It is submitted by the learned counsel for the applicant that though, the appeal got abated, however, the abatement of appeal has been set aside in the connected Interlocutory Application No.803/2026.
4. She also submits that the delay in filing the present substitution petition has also been condoned in the connected Interlocutory Application No. 1051/2026.
5. The learned counsel for the respondent has raised no objection to the prayer for substituting the legal heirs of late Asma Begum in her place.
6. Considering the amendments made in the instant Interlocutory Application as well as after considering the submissions of learned counsel for both the sides, the prayer for substitution is allowed.
7. The name of legal heirs of deceased respondent No. 1, (late

Asma Begum) are allowed to be substituted in the place of respondent No.1 in the connected Memo of Appeal.

8. Accordingly, the name of Mohammad Nizam Uddin, be substituted as respondent No. 1 (a), similarly in the name of Mohammad Anam Uddin, be substituted as respondent No. 1(b) and the name of Mohammad Burhan Uddin be substituted as respondent 1(c) in the Memo of Appeal of the connected MAC Appeal No. 146/2004.
9. The appellant shall file an amended cause title by showing the name of substituted respondents therein on the next date fixed.
10. Let the connected MAC Appeal be listed on 06.05.2026.
11. The instant Interlocutory Application, is accordingly disposed of.

JUDGE

Comparing Assistant