

GAHC010017802025



2026:GAU-AS:2207

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

Case No. : I.A.(Civil)/1113/2025

KHUKAN BHOWMIK AND 2 ORS.
S/O LATE SHANKAR BHOWMIK
VILL- GERJAIPAM
P.S.- KACHUA
DIST- NAGAON
PIN-788116

2: MUNINDRA BHOWMIK
S/O LATE SHANKAR BHOWMIK
VILLAGE GERJAIPAM
PS KACHUA
DISTRICT NAGAON
PIN 788116

3: SMTI MAYA RANI BHOWMIK
W/O LATE SHANKAR BHOWMIK
VILL- GERJAIPAM
P.S.- KACHUA
DIST- NAGAON
PIN-788116
VERSUS

KESHAB DHAR AND ANR
S/O LATE BHAGAWAN DHAR
VILL- GERJAIPAM
P.S.- KACHUA
DIST- NAGAON
PIN-788116

2:CHARAN DHAR
S/O LATE BHAGAWAN DHAR
VILL- GERJAIPAM
P.S.- KACHUA

DIST- NAGAON
PIN-788116

Advocate for : MR G SARMA
Advocate for : appearing for KESHAB DHAR AND ANR

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN**

ORDER

Date : 16.02.2026

Heard Mr. G. Sarma, learned counsel for the applicants. Also heard Ms. S. Roy, learned counsel for the opposite parties.

2. This application, under Order 22 Rule 9(2) of the CPC, read with Section 151 of the CPC, is preferred by the applicants for setting aside abatement against the deceased appellant No. 2, namely, Munindra Bhowmik, in RSA No. 4/2010, as he suffered demise on 21.03.2019.

3. Mr. Sarma, learned counsel for the applicants submits that the appellant No. 2, namely, Munindra Bhowmik in RSA No. 4/2010, suffered demise on 21.03.2019, and on such count, the RSA No. 4/2010, against the said appellant stood abated and that this abatement is required to be set aside as the legal representatives of the said appellant are required to be substituted.

4. Ms. Roy, learned counsel for the opposite parties submits that she has no objection in the event of allowing this application.

5. Considering the submissions of learned counsel for both the parties, this Court is inclined to allow this application.

6. Accordingly, the abatement against the deceased appellant No. 2, namely, Munindra Bhowmik, in RSA No. 4/2010, stands set aside.

7. In terms of above, this I.A. stands disposed of.

JUDGE

Comparing Assistant