

GAHC010130842024



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

Case : I.A.(Civil)/883/2024

MR DEBOJIT SAIKIA and ORS
S/O LATE TUNIRAM SAIKIA

2: MR. NABAJIT SAIKIA

S/O LATE TUNIRAM SAIKIA

3: MS. DEEPALI SAIKIA

D/O LATE TUNIRAM SAIKIA

4: MS. RUPALI SAIKIA

D/O LATE TUNIRAM SAIKIA

5: MR. ROSHESWAR KATONI

S/O LATE TEPURAM KATONI
ON THE DEATHN OF MR. BHUBAN KATONI HIS LEGAL HEIRS

6: SRI ARUP SAIKIA
S/O LATE BHUBAN KATONI

7: MS. JITA SAIKIA

D/O LATE BHUBAN KATONOI

8: ATUL KATONI

S/O LATE TEPURAM KATONI

9: BIPUL KATONI

S/O LATE TEPURAM KATONI

10: NIPUL KATONI

S/O LATE TEPURAM KATONI

ALL ARE RESIDENTS OF KATONI GAON
JORHAT
ASSAM
VERSUS

MR PRANSANT KATONI and 2 ORS
S/O LATE GOPAL CHANDRA KATONI
R/ O KATONI GAON
JORHAT
DISTRICT JORHAT
ASSAM

2: AJIT KUMAR KATONI

S/O LATE GOPAL CHANDRA KATONI

RESIDENT OF KATONI GAON
JORHAT
ASSAM

3: MS. ALAKA DEVI KATONI

D/O LATE GOPAL CHANDRA KATONI

RESIDENT OF KATONI GAON
JORHAT
ASSAM

Advocate for : MR. D SARMAH
Advocate for : appearing for MR PRANSANT KATONI and 2 ORS

**BEFORE
HONOURABLE MR. JUSTICE SANJEEV KUMAR SHARMA**

ORDER

Date : 25.02.2026

Heard Mr. D. Sarma, learned counsel for the applicants and Mr. T.K. Bhuyan, learned counsel for the respondents.

This I.A. has been filed under Order XXII Rule 9 of the Code of Civil Procedure, 1908 seeking setting aside abatement of the connected RSA No. 242 of 2016 in view of the non-substitution of the legal heirs of the deceased/ appellant No. 3.

As the delay in preferring the connected application has already been condoned in the connected I.A (Civil)/ 2159/ 2024 and the deceased/ appellant 3 has been duly substituted by his legal heirs by order passed today in I.A (Civil)/ 884/2024 by this Court. Accordingly, the prayer for abatement is allowed. The abatement is set aside.

The I.A. stands disposed of.

JUDGE

Comparing Assistant