

GAHC010130842024



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

Case : I.A.(Civil)/884/2024

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 RESIDEN TOF KATONI GAON
JORHAT
ASSAM
VERSUS

MR PRANSANT KATONI and 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 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 3 of the Code of Civil Procedure, 1908 for substitution of names of the legal representatives of deceased/ appellant No. 3.

It is submitted that the deceased/ appellant No. 3 expired on 02.09.2018 as such the said appellant is required to be substituted by his legal heirs namely, (i) Smti Gunja Saikia (wife), (ii) Sri Arup Saikia (son) and (iii) Ms. Jita Saikia (daughter) but, during the pendency of the above noted appeal, the wife of the appellant No. 3 namely, Smti Gunja Saikia also in the meantime died on 16.01.2023, leaving behind the legal heirs namely (I) Sri Arup Saikia (son) and (II) Ms. Jita Saikia (daughter). Therefore, deceased/ appellant No. 3 is now required to be represented by his legal representative namely (I) Sri Arup Saikia (son) and (II) Ms. Jita Saikia (daughter) in the connected appeal.

No objection to the same has been filed by the learned counsel for the respondents, despite opportunity having been granted on more than two occasions. In the meantime, more than one year have elapsed, but no objection has been filed.

It is further submitted that the appellant No.1(ii) namely, Smti Bharati Saikia also expired on 23.05.2023 leaving behind the following legal heirs namely:- 1(i) Mr. Debojit Saika, 1(iii) Mr. Nabajit Saikia, 1(iv) Ms. Depali Saikia and 1(v) Ms. Rupali Saikia, but the said appellant Nos. 1(i), 1(iii), 1(iv) and 1(v)

are already made parties in the connected appeal, as such the deceased appellant No. 1(ii) be struck off accordingly. The prayer is allowed and the Registry to do the needful.

As the delay in preferring the connected application for substitution has already been condoned in the connected I.A (Civil)/ 2159/ 2024 by order passed today. Accordingly, the prayer for substitution is allowed. The deceased/ appellant No. 3 stands substituted by his legal heirs mentioned above.

Let the cause title be amended accordingly.

The I.A. stands disposed of.

JUDGE

Comparing Assistant