

GAHC010144532023



2025:GAU-AS:11903

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

Case No. : I.A.(Civil)/1467/2024

FATEMA BIBI
W/O KOI MAHAMUDDIN SK, D/O LT. KASEM ALI, VILL.
MADHUSOULMARI, PT-II, P.S. GAURIPUR, DIST. DHUBRI, ASSAM, PIN-
783331

VERSUS

AKHTAR ALI AND ORS
S/O LT. KASEM ALI, R/O VILL. MADHUSOULMARI PART-II, P.S. GAURIPUR,
DIST. DHUBRI, ASSAM, PIN-783331

2:SAHIDUL HOQUE
S/O AKHTAR ALI
R/O VILL. MADHUSOULMARI PART-II
P.S. GAURIPUR
DIST. DHUBRI
ASSAM
PIN-783331

3:NABIJUR ALI
S/O AKHTAR ALI
R/O VILL. MADHUSOULMARI PART-II
P.S. GAURIPUR
DIST. DHUBRI
ASSAM
PIN-783331

4:KARESH ALI
SON IN LAW OF AKHTAR ALI
R/O VILL. MADHUSOULMARI PART-II
P.S. GAURIPUR
DIST. DHUBRI

ASSAM
PIN-783331

5:SAIFULLA SK
S/O LT. KASEM ALI
R/O VILL. MADHUSOULMARI PART-II
P.S. GAURIPUR
DIST. DHUBRI
ASSAM
PIN-783331

6:HASINA BIBI
W/O SAHIDUL HOQUE
R/O VILL. MADHUSOULMARI PART-II
P.S. GAURIPUR
DIST. DHUBRI
ASSAM
PIN-783331

7:THE CIRCLE OFFICER
DHUBRI
P.O. AND P.S. DHUBRI
ASSAM
PIN-783301

8:THE STATE OF ASSAM
REP. BY
D.C. DHUBRI
P.O. AND P.S. DHUBRI
ASSAM
PIN-78330

Advocate for the Petitioner : MR. M HOSSAIN, MR. M HUSSAIN

Advocate for the Respondent : MR D KALITA,

Linked Case :

FATEMA BIBI
W/O KOI MAHAMUDDIN SK
D/O LT. KASEM ALI
VILL. MADHUSOULMARI
PT-II

P.S. GAURIPUR
DIST. DHUBRI
ASSAM
PIN-783331

VERSUS

AKHTAR ALI AND 7 ORS

Advocate for : MR. M A SHEIKH
Advocate for : appearing for AKHTAR ALI AND 7 ORS

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

03.09.2025

Learned counsel Mr. M. Hossain is present for the applicant who has filed this application under section 5 of the Limitation Act, 1963 with prayer for condonation of delay of 330 days as on 26.06.2023 in filing the connected application for setting aside the abatement of respondent no.5 namely, Saifulla SK.

2. Learned counsel Mr. D. Kalita is present for the respondent nos. 1, 2, 3 and 4.

3. It is submitted on behalf of the applicant that the engaged counsel for the applicant received information regarding death of the respondent no.5 on 20.04.2022.

4. The engaged counsel was unable to communicate with the applicant on 10.05.2022 for all the details relating to legal heirs of respondent no.5.

5. It is submitted that the applicant who has been widowed is suffering from acute financial hardship and she was unable to engage any advocate and manage bus fares to travel to Guwahati.
6. However, finally she could manage to take the assistance of her co-villager to accompany her to Guwahati and supply the necessary information relating to the legal heirs of respondent no.5. This resulted in the delay of 330 days.
7. Learned counsel for the respondent nos. 1, 2, 3 and 4 has no objection, if delay is condoned.
8. There appears to be no malafide on the part of the applicant. Sufficient grounds have already been shown. Thereby, delay to file an application for setting aside the abatement of respondent no.5, namely, Saifulla SK is hereby condoned.
9. In terms of the above observation, this application stands disposed of.

JUDGE

Comparing Assistant