

GAHC010065952024



2026:GAU-AS:4583

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

Case No. : : I.A.(Civil)/2972/2024

PALASH DAS AND 2 ORS
S/O LATE BIRENDRA NATH DAS
R/O HOWLY TOWN
WARD NO. 3
MOUZA- GHILAZARI
P.S.-HOWLY
DIST- BARPETA
ASSAM

2: SHASHANKA DAS
S/O LATE BIRENDRA NATH DAS
R/O HOWLY TOWN
WARD NO. 3
MOUZA- GHILAZARI
P.S.-HOWLY
DIST- BARPETA
ASSAM

3: BULU DAS
S/O LATE BIRENDRA NATH DAS
R/O HOWLY TOWN
WARD NO. 3
MOUZA- GHILAZARI
P.S.-HOWLY
DIST- BARPETA
ASSAM
VERSUS

NIRADA NATH
W/O RUPAM NATH
R/O HOWLY TOWN
WARD NO. 3
MOUZA-GHILAZARI

P.S.-HOWLY
DIST- BARPETA
ASSAM

Advocate for : MR. SHEELADITYA
Advocate for : appearing for NIRADA NATH

Linked Case : RSA/204/2019

SRI BIRENDRA NATH DAS
S/O- LATE NARESWAR DAS
R/O- HOWLY TOWN
WARD NO. 3
MOUZA- GHILAMARI
P.S. HOWLY
DIST.- BARPETA
PIN-781316

VERSUS

NIRADA NATH
W/O- RUPAM NATH
R/O- HOWLY TOWN
WARD NO. 3
MOUZA- GHILAMARI
P.S. HOWLY
DIST.- BARPETA
PIN- 781316.

Advocate for : MR. SHEELADITYA
Advocate for : MR H GUPTA appearing for NIRADA NATH

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN**

ORDER

31.03.2026

Heard Mr. Sheeladitya, learned counsel for the applicants.

2. This application, under Order 22 Rule 9(2) of the Code of Civil Procedure, is preferred by the applicants for setting aside the abatement of the sole appellant, who had suffered demise on 12.05.2023.

3. Mr. Sheeladitya, learned counsel for the applicants submits that the appellant in RSA No. 204/2019, had suffered demised on 12.05.2023; and on account of the death of the sole appellant, the RSA No. 204/2019, stands abated and that the legal heirs of the sole appellant have preferred an application for impleadment of the legal heirs of the sole appellant and also for condonation of delay in filing the application and also, the present application for setting aside the abatement; and since, the delay has been condoned and also, the application for impleadment of the legal heirs stands allowed, the abatement is required to be set aside and under such circumstances, Mr. Sheeladitya has contended to allow this application.

4. Having heard the submission of Mr. Sheeladitya, learned counsel for the applicants, this Court has carefully gone through the application and the documents placed on record.

5. Taking note of the submission of Mr. Sheeladitya and also, considering the facts and circumstances on record, this interlocutory application stands allowed.

6. The abatement of the RSA No. 204/2019 stands set aside.

7. In terms of the above, this interlocutory application stands disposed of.

JUDGE

Comparing Assistant