

GAHC010075012023



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

**Case No. : CRP(IO)/99/2023**

SANKARLAL AGARWALA @ BHARUKA  
S/O LATE BANSHIDHAR AGARWALA, R/O SILBHANGA, JAGIROAD, P.O.-  
AND P.S.-JAGIROAD, DIST-MORIGAON, ASSAM

VERSUS

SUMAN DEVI SURANA AND 3 ORS  
W/O SRI JAHARIMAL SURANA, R/O H.N. ROAD NEAR HARISABHA, P.O.-  
DHUBRI, OPPOSITE APEX BANK LIMITED, WARD NO. 6, DIST-DHUBRI,  
ASSAM, PIN-783301

3:MANOJ KUMAR AGARWALLA @ BHARUKA  
R/O A.M. CO  
RAILGUMTI  
BHAGWATI LANE  
WARD NO. 12  
DHUBRI  
P.O. AND P.S.-DHUBRI  
DIST-DHUBRI  
ASSAM  
PIN-783301

4:SUSHIL KUMAR AGARWALLA @ BHARUKA  
R/O A.M. CO  
RAILGUMTI  
BHAGWATI LANE  
WARD NO. 12  
DHUBRI  
P.O. AND P.S.-DHUBRI  
DIST-DHUBRI  
ASSAM  
PIN-78330

**Advocate for the Petitioner** : MR. K K DEY, MR V K BAROOAH

**Advocate for the Respondent** : MR G N SAHEWALLA (R-1), MS T J SAHEWALLA (R-1),MR H K SARMA (R-1),MS. S. TODI (R-1),MD ASLAM (R-1)

**BEFORE**  
**HONOURABLE MR. JUSTICE KALYAN RAI SURANA**

**ORDER**

**20.05.2026**

Heard Mr. K.K. Dey, learned counsel for the petitioner as well as Mr. G.N. Sahewalla, learned senior counsel assisted by Ms. K. Bhattacharya, learned counsel for the respondent no.1.

2. It is noted that the respondent no.2 had reportedly expired and as no application for substitution of respondent no.2 was received, this Court by order dated 25.03.2026, on a submission made by the learned counsel for the petitioner that his presence is not required, the name of the respondent no.2 was struck off. The office note dated 30.04.2026 indicates that no steps was taken for service of notice on the respondent nos. 3 and 4. Accordingly, as despite office note 30.11.2023, 19.08.2024, 21.01.2025 and 07.10.2025 steps has not been taken and considering the fact that execution petition being T. Ex. Case No. 2/2018 has been stayed, the name of the respondent nos. 3 and 4 are struck off at the risk of the petitioner.

3. The learned counsel for the respondent has submitted that in connection with the same execution application being CRP (I/O) 211/2025, is also pending and the execution proceeding has been stayed in the said application and this application along with CRP (I/O) 211/2025 be listed on

25.05.2026.

4. List the matter on 25.05.2026.

**JUDGE**

**Comparing Assistant**