

GAHC010249272024



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

Case No. : I.A.(Civil)/3861/2024

SUMAL DAS
S/O LATE KSHIROD DAS
RESIDENT OF LALMATI BARBHAG, WARD NO. 2, TEZPUR TOWN, MOUZA
MAHABHAIRAB, PS TEZPUR, DIST SONITPUR, ASSAM

VERSUS

ARATI BALA DAS AND ANR
W/O LATE KARTIK DAS @ KARTIK CH. DAS,
RESIDENT OF NO. 2 JYOTI NAGAR, RAM KRISHNA SOCIETY ROAD,
SILIGURI, DIST JALPAIGURI, 734001

2:SHRI PANKAJ SAHA

S/O LATE PRADIP SAHA

RESIDENT OF LALMATI BARBHAG
WARD NO. 2
TEZPUR TOWN
MOUZA MAHABHAIRAB
PS TEZPUR
DIST SONITPUR
ASSA

Advocate for the Petitioner : MR. S BISWAS, MS D DEVI

Advocate for the Respondent : MS. M BHATTACHARJEE (R-2), C BORAH(R-2)

**BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

ORDER

Date : 04.02.2026

1. Heard learned Counsel Mr. S.Biswas for the applicant and learned counsel Ms. M.Bhattacharjee for opposite party No. 2.
2. Learned Counsel for the applicant has submitted that, as directed by this court, vide order dated 19.12.2025, the applicant could not find any new or proper address of the opposite party No.1. It is further submitted that as per Order 41 Rule 14 (4) of the Code of Civil Procedure (CPC), notice to be issued to Opposite party No.1 may be waived as the applicant could not trace out any other address of Opposite party No.1 who resides in Siliguri at present.
3. Learned counsel for opposite party No. 2 has submitted that she will file objection against the prayer for condonation of delay as well as the prayer for waiving issuance of notice to opposite party No.1 as per Order 41 Rule 14 (4) CPC as because notices can also be issued through paper publication .
4. List this matter after 03(three) weeks.

JUDGE

Comparing Assistant