

GAHC010089342025



2026:GAU-AS:2201

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

Case No. : I.A.(Civil)/1509/2025

ON THE DEATH OF SUDHANGSHU DEB HIS LEGAL HEIRS AND
REPRESENTATIVE SMTI JONALI DEB
WIFE OF SUDHANGSHU DEB, RESIDENT OF NEW COLONY, NAUKA PUJA
TEMPLE, P.O. PANDU, P.S. JALUKBARI, GUWAHATI-11. DISTRICT -
KAMRUP(M), ASSAM, PIN-78100

VERSUS

DULAL CHANDRA DAS
SON OF LATE SURYA KUMAR DAS.

2:HIMANGSHU BIMAL DAS

SON OF LATE SURYA KUMAR DAS.

3:SUBHANGSHU BIMAL DAS
ALL ARE SONS OF LATE SURYA KUMAR DAS
RESIDENT OF AMERICAN COLONY
P.O. PANDU
P.S. JALUKBARI
GUWAHATI-12
DISTRICT KAMRUP(M)
ASSAM

4:STRUCK OFF
VIDE HON'BLE COURT'S ORDER DATED 22.08.2025 PASSED IN . I.A.(C) NO.
1509/2025

5:STRUCK OFF
VIDE HON'BLE COURT'S ORDER DATED 22.08.2025 PASSED IN . I.A.(C) NO.
1509/2025

6:JOGEN NATH SARMA
SON OF LATE SIDDHINATH SARMA
RESIDENT OF HATIGAON
5TH BYE LANE
P.O. AND P.S. DISPUR
GUWAHATI- 5
DIST. KAMRUP(M)
ASSAM

7:STRUCK OFF
VIDE HON'BLE COURT'S ORDER DATED 22.08.2025 PASSED IN . I.A.(C) NO.
1509/2025

8:NIRANJAN KUMAR
SON OF LATE DHANIRAM KUMAR
NOS.7 AND 8 ARE RESIDENTS OF BORIPARA
MALIGAON
P.O. MALIGAON
GUWAHATI-11
DIST. KAMRUP(M)
ASSAM

9:STRUCK OFF
VIDE HON'BLE COURT'S ORDER DATED 22.08.2025 PASSED IN . I.A.(C) NO.
1509/2025

10:ON THE DEATH OF CHANDRAKESH PATOWARY HIS LEGAL HEIRS AND
REPRESENTATIVES
10(A) SMTI JUTIKA PATOWARY (WIFE OF LATE CHANDRAKESH PATOARY
RESIDENT OF C/O. MINTU DAS
HOUSE NO. 56
NEAR ASSAM FOREST SCHOOL
KHANAMUKH
P.O. GAUHATI UNIVERSITY
GUWAHATI-14
DIST. KAMRUP(M)
ASSAM

10.2:PRAGYA PATOARY
SON OF LATE CHANDRAKESH PATOWARY
RESIDENT OF C/O. MINTU DAS
HOUSE NO. 56
NEAR ASSAM FOREST SCHOOL
KHANAMUKH
P.O. GAUHATI UNIVERSITY
GUWAHATI-14
DIST. KAMRUP(M)

ASSAM

10.3:NISHIT PATOWARY
SON OF LATE CHANDRAKESH PATOWARY
RESIDENT OF C/O. MINTU DAS
HOUSE NO. 56
NEAR ASSAM FOREST SCHOOL
KHANAMUKH
P.O. GAUHATI UNIVERSITY
GUWAHATI-14
DIST. KAMRUP(M)
ASSAM.

11:PRIYALAL DAS
SON OF HARIMOHAN DAS
RESIDENT OF RAILWAY QR. NO.78/B
NEAR BUDDHA MANDIR
P.O. PANDU
P.S. JALUKBARI
DIST. KAMRUP(M)
ASSAM

12:SHIKHA DEY
WIFE OF KAMAL CHANDRA DEY
RESIDENT OF NEW ADABARI COLONY
NEAR RAILWAY QR. L138/B
P.O. PANDU
P.S.JALUKBARI
DIST. KAMRUP(M)
ASSAM

13:TAPASHI RAKHIT
WIFE OF BIPLAB RAKHIT
RESIDENT OF NEW COLONY
P.O. PANDU
P.S. JALUKBARI
DIST. KAMRUP(M)
ASSA

Advocate for the Petitioner : C KALITA, L K BORAH

Advocate for the Respondent : ,

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN**

ORDER

Date : 16.02.2026

Heard Mr. L.K. Borah, learned counsel for the applicant.

2. This application, under Section 5 of the Limitation Act, 1963, is preferred by the applicant for condoning the delay of 378 days in preferring the connected regular second appeal against the judgment dated 11.01.2024 and decree dated 24.01.2024, passed by the learned District Judge, Kamrup(M), Guwahati ('first appellate Court', for short), in Title Appeal No. 9/2012.

3. Mr. Borah, learned counsel for the applicant submits that though notice upon the opposite parties has duly been served, the opposite parties remained unrepresented today. Mr. Borah also submits that though the applicant was represented by a counsel before the learned first appellate Court, yet she had not been informed about the disposal of the said appeal, and that the said ground has duly been explained in paragraph Nos. 9 and 10 of the application. Mr. Borah further submits that the delay is not intentional, rather it is circumstantial, and under such circumstances, he has contended to condone the same.

4. Having heard the submission of Mr. Borah, learned counsel for the applicant, I have carefully gone through the application and the documents placed on record, and also gone through the statements and averments made by the applicant in paragraph Nos. 9 and 10 of the application.

5. It appears that in paragraph Nos. 9 and 10 of the application, the delay of 378 days has duly been explained and accordingly, the same stands condoned.

6. In terms of above, this I.A. stands disposed of.

7. In view of the order passed in this application, now the Registry shall register the connected regular second appeal and list the same before this Court as soon as practicable.

JUDGE

Comparing Assistant