

GAHC010102982026



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

**Case No. :**

**I.A.(Civil)/1808/2025**

SMTI KAMALA DAS ALIAS KAMALA PRABHA DAS  
W/O- LATE BHOLANATH DAS  
RESIDENT OF VILLAGE- BARCHAPARI  
MOUZAHAJO  
DISTRICT- KAMRUP  
ASSAM (EARLIER RESIDED AT MALIGAON  
EAST GOTANAGAR  
MOUZA- JALUKBARI  
DISTRICT- KAMRUP(M)  
ASSAM

VERSUS

ON THE DEATH OF MAINA KALITA  
HER LEGAL HEIRS REPRESENTATIVES

1.1:ON THE DEATH OF SRI ARUP KALITA  
HIS LEGAL HEIRS.

1.1.1:MUNMI BARUAH KALITA

W/O LATE ARUP KALITA

RESIDENT OF VILLAGE AGCHIYA  
PS PALASHBARI  
DIST KAMRUP R ASSAM

1.1.2:NILAN KALITA  
S/O LATE ARUP KALITA

RESIDENT OF VILLAGE AGCHIYA  
PS PALASHBARI

DIST KAMRUP R ASSAM  
TO BE REP. BY MUNMI BARUAH KALITA

1.2:SRI SIMANTA KALITA  
S/O MAINA KALITA  
R/O VILL AGCHIYA  
PO AGCHIYA  
VIA PALASHBARI  
DISTRICT KAMRUP  
PIN 781128

1.3:SMTI JURI KALITA DAS  
D/O MAINA KALITA  
R/O SADAGARH PARA(JAMARTAL)  
PO MIRZA  
PS PALASHBARI  
DISTRICT KAMRUP  
PIN 781128

1.4:SRI JOGESH CHANDRA KALITA  
H/O MAINA KALITA  
R/O SADAGARH PARA(JAMARTAL)  
PO MIRZA  
PS PALASHBARI  
DISTRICT KAMRUP  
PIN 781128

2:SMTI JAMUNA KALITA

W/O SHRI GIRISH KALITA OF VILL. MIRZA JAMARHAT  
P.S. PALASHBARI  
DIST. KAMRUP R  
ASSAM.

3:ON THE DEATH OF CHARU KALITA  
HER LEGAL HEIRS-  
NAMELY-

3.1:SRI RATUL KALITA  
S/O LATE CHARU KALITA  
R/O VILLAGE DHARAPUR (KOCHPARA)  
P.S. AZARA  
DISTRICT KAMRUP  
ASSAM

3.2:SRI MANOJ KALITA  
S/O LATE CHARU KALITA

R/O VILLAGE DHARAPUR (KOCHPARA)  
P.S. AZARA  
DISTRICT KAMRUP  
ASSAM

3.3:SMTI JUNU KALITA  
D/O LATE CHARU KALITA  
R/O VILLAGE DHARAPUR (KOCHPARA)  
P.S. AZARA  
DISTRICT KAMRUP  
ASSAM

4:SMTI MINU KALITA

W/O SHRI DWIPEN DAS OF VILL. JALUKBARI LONKESWAR  
P.S. JALUKBARI  
DIST. KAMRUP M  
ASSAM.

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Advocate for : MR M HUSSAIN  
Advocate for : MS P SARMA appearing for ON THE DEATH OF MAINA KALITA

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

**ORDER**

**Date : 03.06.2026**

Heard Mr. N. Hoque, learned counsel for the applicant and Ms. P. Sarma, learned counsel appearing for the respondent.

2. This is an application filed under Order XXII Rule 9 of the Code of Civil Procedure seeking setting aside of abatement of the appeal in respect of deceased respondent No. 1.1.

3. It is submitted that the appeal had abated due to the death of respondent No. 1.1, and that the legal representatives could not be substituted within the prescribed period as the information regarding the death was received belatedly. It is further submitted that delay in taking necessary steps

occurred for reasons beyond the control of the applicant.

4. Heard the learned counsel for the applicant as well as the learned counsel for the respondent.

5. By an order passed today in the connected application under Section 5 of the Limitation Act, whereby the delay of 129 days in filing the application for setting aside abatement and substitution of the legal representatives of respondent No. 1.1 has been condoned, this Court is of the considered opinion that sufficient cause has been shown for setting aside the abatement.

6. Accordingly, the abatement of the appeal, so far as it relates to deceased respondent No. 1.1, is hereby set aside.

7. The appeal shall now proceed in accordance with law after substitution of the legal representatives of respondent No. 1.1.

8. This application stands disposed of.

**JUDGE**

**Comparing Assistant**