

GAHC010102982026



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

Case No. :

I.A.(Civil)/1805/2025

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

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.

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. By filing this application under Section 5 of the Limitation Act, the applicant has prayed for condonation of delay of 129 days beyond the period of limitation in filing the application for setting aside abatement and substitution of the legal representatives of respondent No. 1.1.

3. It is submitted that the deceased respondent No. 1.1 died on 24.08.2024, however, the information regarding the death was received only on

05.02.2025. It is further submitted that thereafter, some time was consumed in collecting the necessary particulars of the legal representatives of the deceased respondent and by the time the application could be filed, the delay had already occurred.

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

5. Upon consideration of the submissions made, this Court is of the view that the applicant has been able to show sufficient cause for condoning the delay of 129 days in filing the application for setting aside abatement and substitution of the legal representatives of respondent No. 1.1.

6. Accordingly, the delay stands condoned.

7. It may be mentioned that in the meantime, the substituted respondent no.1.1 has died for that a separate order has been passed in the connected application.

8. Accordingly, this application stands disposed of.

JUDGE

Comparing Assistant