

GAHC010124182022



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

**Case No. : RSA/93/2023**

TAIYAB ALI  
S/O LATE ISHA HOQUE MIAH,  
RESIDENT OF BIDYAPARA, WARD NO. 10, DHUBRI TOWN, PS AND DIST  
DHUBRI, ASSAM

VERSUS

SUBHASH SARMA AND 2 ORS.  
(BLACKSMITH) S/O LATE DURGA MISTRI SARMA, RESIDENT OF NEW  
MARKET, WARD NO. 10, DHUBRI TOWN, PS AND DIST DHUBRI, ASSAM

2:MD. FOEZ ALI  
S/O LATE MASAN ALI  
RESIDENT OF BIDYAPARA  
AFTAB UDDIN ROAD  
WARD NO. 10  
DHUBRI TOWN  
PS AND DIST DHUBRI  
ASSAM

3:MUSST. SETARA BEGUM  
W/O MD. FOEZ ALI

D/O NUR HABIB  
RESIDENT OF BIDYAPARA  
AFTAB UDDIN ROAD  
WARD NO. 10  
DHUBRI TOWN  
PS AND DIST DHUBRI  
ASSA

**Advocate for the Petitioner** : MR. A RAHMAN, MR. A HOQUE

**Advocate for the Respondent** : MS. R CHOUDHURY (R-2,3), MS F N ZAMAN (R-2,3),MS. B. HAZARIKA (R-2,3)

**BEFORE  
HON'BLE MRS. JUSTICE MITALI THAKURIA**

**ORDER**

**17-09-2025**

Heard Mr. A. Rahman, learned counsel for the appellant and Ms. R. Choudhury, learned counsel for the respondent Nos. 2 and 3.

From the office note dated 04.09.2025 it is seen that notice issued to the respondent No.1 returned unserved as it was received late by the learned Civil Judge (Jr. Div.) No.1, Dhubri.

In that view, it is submitted by Mr. Rahman, learned counsel that he may be allowed to take steps on the respondent No. 1 through Dasti service.

Prayer is allowed.

Let fresh notice be issued to the respondent No.1 through Dasti service and the appellant is also allowed to file an affidavit in that regard.

List this matter on **24.10.2025**.

**JUDGE**

**Comparing Assistant**