

GAHC010134622021



2026:GAU-AS:6304

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

Case No. : I.A.(Civil)/700/2022

KUSHA HAZARIKA
S/O LT. NENAI BONIA
R/O PAKHIMORI GAON
MOUZA KHONGIA
DIST. JORHAT
ASSAM

VERSUS

KIRAN HAZARIKA @ CHANDRA HAZARIKA AND 4 ORS.
S/O LATE DEHIRAM HAZARIKA
R/O PAKHIMORA KHONGIA MOUZA
P.O. GATANGA
DIST. JORHAT

2:ON THE DEATH OF SRI DANDIRAM KAIBATRA DAS
HIS LEGAL HEIR SMT. SARU DAS

W/O LT. DANDIRAM KAIBATRA DAS.

3:SRI NIRMAL DAS
S/O LT. DANDIRAM KAIBATRA DAS.

4:SRI SON DAS
S/O LT. DANDIRAM KAIBATRA DAS.

5:SRI ANIL DAS
S/O LT. DANDIRAM KAIBATRA DAS.
ALL ARE R/O PANICHAKUA GAON
KHARANGI MOUZA
P.O-PANICHAKUA

DIST-JORHAT
ASSAM.

6:SMTI. SORUMAI KAIBATRA DAS
D/O-LT. MAGAN KAIBATRA DAS
R/O-PANICHAKUA GAON
KHARANGI MOUZA
P.O-PANICHAKUA
DIST-JORHAT
ASSAM.

7:SMTI PARUL BORA KAIBATRA DAS
D/O-LT. MAGAN KAIBATRA DAS
R/O-PANICHAKUA GAON
KHARANGI MOUZA
P.O-PANICHAKUA
DIST-JORHAT
ASSAM.

8:SRI GUNANATH HAZARIKA
S/O LATE NENAI BONIA
R/O PAKHIMORA GAON
KHANGIA MOUZA
P.O. GOTONGA
DIST. JORHAT
ASSAM

Advocate for : MR.T J MAHANTA
Advocate for : P.P BARUAH appearing for KIRAN HAZARIKA @ CHANDRA
HAZARIKA AND 4 ORS.

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

07.05.2026

Heard Ms. P Bhattacharya, learned counsel for the applicant. Also heard Mr. R Sharma, learned counsel appearing for the respondent No. 1.

The present interlocutory application has been filed under Order XXII Rule 9 of the Code of Civil Procedure, 1908, praying for setting aside the abatement

that has occurred in respect of respondent No. 1 in the connected RSA No. 332/2018.

It appears from the materials on record that during the pendency of the connected RSA No. 147/2015, the respondent No. 2, i.e., Dandiram Kaibatra Das expired, leaving behind the following legal heirs:

1. Smt. Saru Das – Wife
2. Sri Nirmal Das – Son
3. Sri Son Das – Son
4. Sri Anil Das – Son

I have considered the submissions advanced by the learned counsel for the parties and have also perused the materials available on record.

From the explanation furnished in the application, this Court is satisfied that the delay in bringing the legal heirs of the deceased respondent on record does not appear to be deliberate or mala fide. Learned counsel for the respondents has also fairly submitted that he has no objection to the prayer made in the application.

In the circumstances, and upon being satisfied that sufficient cause has been shown, the abatement that occurred on account of the death of respondent No. 2 in RSA No. 147/2015 is hereby set aside.

The applicant shall take necessary steps for substitution of the legal heirs of the deceased respondent in accordance with law.

With the above observations and directions, the interlocutory application stands disposed of.

JUDGE

Comparing Assistant