

GAHC010134622021



2026:GAU-AS:6304

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

Case No. : I.A.(Civil)/606/2022

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.

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

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

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

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

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

5: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 4 of the Code of Civil Procedure, 1908, seeking substitution of the legal heirs of the deceased respondent No. 2 in connection with RSA No. 147/2015.

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

Since the aforesaid persons are stated to be the legal representatives of the deceased respondent No. 2 and their presence is necessary for the just and proper adjudication of the appeal, this Court finds sufficient grounds to allow the prayer for substitution.

Accordingly, the application stands allowed.

It is pertinent that during pendency of the connected second appeal, Smt. Saru Das, wife of the respondent No. 2 also expired. Hence, the following persons who are the sons of the deceased respondent No. 2 shall be substituted in place of Dandiram Kaibatra Das:

1. Sri Nirmal Das – Son
2. Sri Son Das – Son
3. Sri Anil Das – Son

The applicant shall file an amended cause title before the Registry within the prescribed time for carrying out the necessary corrections.

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

JUDGE

Comparing Assistant