

GAHC010171902019



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

Case No. : I.A.(Civil)/2612/2019

AAS MAHAMMAD ANSARI AND ANR.
S/O MD. MONIR ALAM ANSARI
R/O FASHI ALI
JORHAT
ASSAM

2: MD. MONIR ALAM ANSARI
S/O MD. DUKHAN ALAM ANSAR
R/O FASHI ALI
JORHAT
ASSAM
VERSUS

ON THE DEATH OF MD. ABDUL RIAZ
HIS LEGAL HEIRS AND ANR.
REPRESENTED BY

1.1:MRS. AYESHA KHATOON
W/O LATE MD. ABDUL RIAZ
R/O FASHI ALI
JORHAT
ASSAM

1.2:MS. SAHNAZ KHATOON
D/O LATE MD. ABDUL RIAZ
R/O FASHI ALI
JORHAT
ASSAM

1.3:MS. CHUNCHUN KHATOON
D/O LATE MD. ABDUL RIAZ
R/O FASHI ALI
JORHAT
ASSAM

1.4:MS. NIKU KHATOON
D/O LATE MD. ABDUL RIAZ
R/O FASHI ALI
JORHAT
ASSAM

1.5:ARYAN ANSARI
R/O FASHI ALI
JORHAT
ASSAM (REPRESENTED BY MRS. AYESHA KHATOON (MOTHER))

2:SMTI. JAMILA BEGUM
W/O SYED IBRAHIM JAFAR
R/O HATIGAON CHARIALI
NEAR HATIGAON MASJID
DIST-KAMRUP(M)
ASSAM

Advocate for : MR R CHAKRAVORTY
Advocate for : appearing for ON THE DEATH OF MD. ABDUL RIAZ
HIS LEGAL HEIRS AND ANR.

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN**

ORDER

24.04.2026

Heard Mr. R. Chakravorty, learned counsel for the applicants and Mr. J.A. Sikdar, learned counsel for the opposite party No. 1.

2. This application, under Section 5 of the Limitation Act, is preferred by the applicants for condoning the delay of 617 days in preferring the application for setting aside the abatement and substitution of legal heirs of respondent No. 1 in RSA No. 85/2010.

3. Mr. Chakravorty, learned counsel for the applicants submits that due to change of counsel, the aforementioned applications could not be filed in time

and that the delay is not intentional, rather it is circumstantial and the same has been explained in paragraph Nos. 4 & 7 of this application and therefore, it is contended to allow this petition.

4. On the other hand, Mr. Sikdar submits that he has no objection in the event of allowing this application.

5. Having considered the submissions of learned counsel for both the parties and also considering the facts and circumstances on the record, this Court is of the view that the delay has sufficiently been explained in this application.

6. Accordingly, the delay of 617 days in preferring the application for setting aside the abatement and substitution of legal heirs of respondent No. 1 in RSA No. 85/2010, stands condoned.

7. In terms of above, this IA stands disposed of.

Comparing Assistant

JUDGE