

GAHC010188532024



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

Case No. : RSA/173/2024

ON THE DEATH OF MD ABDUL JABBAR HIS LEGAL HEIRS AMBIYA
KHATUN @ AMBIA KHATUN AND 4 ORS
(WIFE)
RESIDENT OF VILAGE BHEHUGURI, PO SILPUKHURI, PS MIKIRBHETA,
DIST MORIGAON, ASSAM 782123

2: MOSFI UDDIN AHMED
(SON)
RESIDENT OF VILAGE BHEHUGURI
PO SILPUKHURI
PS MIKIRBHETA
DIST MORIGAON
ASSAM 782123

3: SULTAN MAHMUD ZAKARIA
(SON)
RESIDENT OF VILAGE BHEHUGURI
PO SILPUKHURI
PS MIKIRBHETA
DIST MORIGAON
ASSAM 782123

4: SHAHNAJ KOHINUR
(DAUGHTER)
RESIDENT OF VILAGE BHEHUGURI
PO SILPUKHURI
PS MIKIRBHETA
DIST MORIGAON
ASSAM 782123

5: HASINA KOHINUR
(DAUGHTER)
RESIDENT OF VILAGE BHEHUGURI

PO SILPUKHURI
PS MIKIRBHETA
DIST MORIGAON
ASSAM 78212

VERSUS

ON THE DEATH OF GIRISH CH NATH HIS LEGAL HEIRS SWAPNA
BORKAKATI AND ORS
WIFE
RESIDENT OF SARASWATI APARTMENT (BHATIA), PS DISPUR , PO DISPUR
DIST KAMRUP M ASSAM 781005

2:DHIREN BORKAKATI
(SON)
RESIDENT OF SARASWATI APARTMENT (BHATIA)
PS DISPUR
PO DISPUR DIST KAMRUP M ASSAM 781005

3:MAINA BORKAKATI
(SON)
RESIDENT OF SARASWATI APARTMENT (BHATIA)
PS DISPUR
PO DISPUR DIST KAMRUP M ASSAM 781005

4:KABINDRA MOHAN BORKAKATI
S/O LATE PURNA CH. NATH

DIRECTOR OF AGRICULTURE DEPTT.
PO KHANAPARA
DIST KAMRUP M ASSAM 781022
PERMANENT ADDRESS
VILLAGE BORIGAON
PO HABIBARANGABARI
PS MIKIRBHETA
DIST MORIGAON
ASSAM 782103

5:MD. JALAL UDDIN

S/O LATE IBRAHIM
RESIDENT OF VILLAGE BHEHUGIR
PO SILPUKHURI
PS MIKIRBHETA DIST MORIGAON ASSAM 782123

6:MD. MAMUD ALI
S/O LATE IBRAHIM
RESIDENT OF VILLAGE BHEHUGIR

PO SILPUKHURI
PS MIKIRBHETA DIST MORIGAON ASSAM 782123

7:MD. FAKAR UDDIN

S/O JLAL UDDIN
RESIDENT OF VILLAGE BHEHUGIR
PO SILPUKHURI
PS MIKIRBHETA DIST MORIGAON ASSAM 782123

8:ON THE DEATH OF MD. AYNE ALI HIS LEGAL HEIRS
HALIMA KHATUN
(WIFE)
RESIDENT OF VILLAGE BHEHUGIR
PO SILPUKHURI
PS MIKIRBHETA DIST MORIGAON ASSAM 782123

9:NUR JAMAL
(SON)
RESIDENT OF VILLAGE BHEHUGIR
PO SILPUKHURI
PS MIKIRBHETA DIST MORIGAON ASSAM 782123

10:GULZAR HUSSAIN
(SON)
RESIDENT OF VILLAGE BHEHUGIR
PO SILPUKHURI
PS MIKIRBHETA DIST MORIGAON ASSAM 782123

11:DILDAR HUSSAIN
(SON)
RESIDENT OF VILLAGE BHEHUGIR
PO SILPUKHURI
PS MIKIRBHETA DIST MORIGAON ASSAM 782123

12:UME HANI
(DAUGHTER)
W/O ABDUL KALAM
RESIDENT OF VILLAGE BHEHUGIR
PO SILPUKHURI
PS MIKIRBHETA DIST MORIGAON ASSAM 782123

13:ABDUL REZZAK
S/O LATE SWAB ALI
RESIDENT OF VILLAGE BHEHUGIR
PO SILPUKHURI
PS MIKIRBHETA DIST MORIGAON ASSAM 782123

14:ON THE DEATH OF ABDUL HYE
HIS LEGAL HEIR RASHIDA KHATUN
(WIFE)
RESIDENT OF VILLAGE BHEHUGIR
PO SILPUKHURI
PS MIKIRBHETA DIST MORIGAON ASSAM 782123

15:FERDOUS ALI
(SON)
RESIDENT OF VILLAGE BHEHUGIR
PO SILPUKHURI
PS MIKIRBHETA DIST MORIGAON ASSAM 782123

16:MUBARAK ALI
S/O LATE SWAB ALI

RESIDENT OF VILLAGE BHEHUGIR
PO SILPUKHURI
PS MIKIRBHETA DIST MORIGAON ASSAM 782123

17:MD. AHIJ UDDIN
S/O LATE SWAB ALI

RESIDENT OF VILLAGE BHEHUGIR
PO SILPUKHURI
PS MIKIRBHETA DIST MORIGAON ASSAM 782123

18:MD. TAHURUDDIN
S/O LATE SWAB ALI

RESIDENT OF VILLAGE BHEHUGIR
PO SILPUKHURI
PS MIKIRBHETA DIST MORIGAON ASSAM 782123

19:MD. ISMILE
S/O LATE SWAB ALI

RESIDENT OF VILLAGE BHEHUGIR
PO SILPUKHURI
PS MIKIRBHETA DIST MORIGAON ASSAM 782123

20:MD. RABI HUSSAIN
S/O LATE SWAB ALI

RESIDENT OF VILLAGE BHEHUGIR
PO SILPUKHURI
PS MIKIRBHETA DIST MORIGAON ASSAM 782123

21:MD. SAMSUDDIN

S/O RAJAB ALI

RESIDENT OFDIGHALI PATHAR
PO ROWMARI BILL
PS MIKIRBHETA
DIST MORIGAON
ASSAM 782123

22:MD. NAZIMUDDIN

S/O KARFUL ALI

RESIDENT OFDIGHALI PATHAR
PO ROWMARI BILL
PS MIKIRBHETA
DIST MORIGAON
ASSAM 782123

23:SRI LAHAR BORKAKATI

S/O LATE LEELA BORKAKATI

RESIDENT OF NALINIBALA PATH
CHRISTIAN BASTI GUWAHATI PO DISPUR DIST KAMRUP M ASSAM
781005
PERMANENT ADDRESS
VILLAGE BORIGAON
PO HABI BARANGABARI
MOUZA AND PS MIKIRBHETA DIST MORIGAON
ASSAM 782105

24:SRI DAWAR BORKAKATI @ HEMANTA DAWAR BORKAKATI

S/O LATE LEELA BORKAKATI

RESIDENT OF NALINIBALA PATH
CHRISTIAN BASTI GUWAHATI PO DISPUR DIST KAMRUP M ASSAM
781005
PERMANENT ADDRESS
VILLAGE BORIGAON
PO HABI BARANGABARI
MOUZA AND PS MIKIRBHETA DIST MORIGAON
ASSAM 782105

25:SMTI DEEPTI BORKAKATI

W/O LATE LEELA BORKAKATI

RESIDENT OF NALINIBALA PATH
CHRISTIAN BASTI GUWAHATI PO DISPUR DIST KAMRUP M ASSAM

781005
PERMANENT ADDRESS
VILLAGE BORIGAON
PO HABI BARANGABARI
MOUZA AND PS MIKIRBHETA DIST MORIGAON
ASSAM 782105

26:SMTI PALKI BORKAKATI
D/O LATE LEELA BORKAKATI

RESIDENT OF NALINIBALA PATH
CHRISTIAN BASTI GUWAHATI PO DISPUR DIST KAMRUP M ASSAM
781005
PERMANENT ADDRESS
VILLAGE BORIGAON
PO HABI BARANGABARI
MOUZA AND PS MIKIRBHETA DIST MORIGAON
ASSAM 78210

Advocate for the Petitioner : MS. R CHOUDHURY, MS F N ZAMAN,MS. B. HAZARIKA

Advocate for the Respondent : MR D K DAS, MS. S DAS,MR. R K NATH,M KHATONIAR,MS. P BHUYAN

BEFORE
DEPUTY REGISTRAR (BENCH) - MR. SAPTARSHI DAS

ORDER

Date : 12.08.2025

Case taken up before the Lawazima Court.

Learned counsel Mr. M. Ahmed appears on behalf of Ms. R. Choudhury, learned counsel for the petitioners. Heard.

Perused the records.

Perusal of an earlier office note dated 01.10.2024 reveals that notice was issued to the respondent Nos. 1.1 to 1.3, 2 to 5, 6.1 to 6.5, 7, 8.1 to 8.2 and 9 to 19 by registered post with A/D on 01.10.2024.

Now, from the recent office note dated 08.08.2025, it has been observed as follows:—

(i) In respect of the respondent Nos. 1.1, 1.3, 3, 4, 5, 6.1, 6.2, 6.3, 6.4, 6.5, 7, 8.1, 8.2, 9, 10, 14 & 15, it appears that the learned counsels have already entered appearance on

*behalf of the said respondents by filing Vakalatnama. As such, it may be said that **service in respect of the respondent Nos. 1.1, 1.3, 3, 4, 5, 6.1, 6.2, 6.3, 6.4, 6.5, 7, 8.1, 8.2, 9, 10, 14 & 15 has been completed.***

(ii) In respect of the above mentioned notice issued to the respondent Nos. 1.2, 2, 16, 17, 18 & 19, it appears that the respective notices have been received un-served with the following postal remarks:–

Respondent No. 1.2:– "No such addressee, RTS".

Respondent No. 2:– "Incomplete address".

Respondent Nos. 16, 17, 18 & 19:– "Addressee out of station for long time, return to sender".

-

(iii) In respect of the respondent Nos. 11, 12 & 13, it appears that no A/D cards or un-served notices have been received by the concerned section till date. Additionally, the postal track consignment details regarding the aforesaid notice are also not available at the Indian Post Website.

Although, the aforesaid notice issued to the respondent Nos. 1.2, 2, 11, 12, 13, 16, 17, 18 & 19 could not be served, perusal of the instant Cause Title reveals that the addresses mentioned there are proper and sufficient to effectively serve the notice upon the respondents mentioned above. As such, the appellants are directed to take fresh steps for service of notice upon the respondent Nos. 1.2, 2, 11, 12, 13, 16, 17, 18 & 19 by registered post with A/D as well as by way of usual process mode, as prescribed by the Hon'ble Court's order dated 20.09.2024. The said steps shall be taken within 7 (seven) days from the date of this order.

Let the matter be listed again before the Lawazima Court in the second week of September, 2025.

Deputy Registrar (Bench)

Comparing Assistant