

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 : 21.08.2026

Case taken up before the Lawazima Court.

Learned counsel Ms. S.E. Murtaza appears on behalf of Ms. R. Choudhury, learned counsel for the appellants. Heard.

Perused the records.

A perusal of the case record reveals that notices were issued to the respondent Nos. 1.2, 2, 11 to 13 & 16 to 19 by way of speed post mode and by way of usual process mode on 26.03.2026.

Regarding the aforementioned notices issued to the respondents, this Lawazima Court observes as follows:—

In respect of the notices issued through speed post mode:- Regarding the said notices, it has been observed as follows:-

(i) Neither the A/D cards nor any un-served notices have been received regarding the notices issued to the respondent Nos. 18 & 19. Moreover, the postal tracking reports regarding the said notices does not reflect successful delivery of the notices to the respondents. As such, service status of notice upon the said respondents cannot be presumed complete.

(ii) Notices issued to the remaining respondents, i.e., respondent Nos. 1.2, 2, 11, 12, 13, 16 & 17, it appears that the notices have been received un-served by the Registry. It appears that the un-served notice of respondent No. 11 bears no postal remark, whereas, in respect of the remaining respondents, the un-served notices bears the following postal remarks:-

Respondent No. 1.2:- **"Insufficient address, RTS".**

Respondent No. 2:- **"Addressee left, RTS".**

Respondent Nos. 12 & 13:- **"No such person in the Addressee".**

Respondent No. 16:- **"Addressee not found, return to sender".**

Respondent No. 17:- **"No known, RTS".**

In respect of the notices issued through usual process mode:- Regarding the said notices, it appears that the process server's reports have been received by the Registry and the same have been kept in the case record at **Flag-'X' in the Part-II file**. Now, a perusal of the said service reports reveals the following:-

Respondent No. 1.2:- Addressee not found, the security guard of the apartment informed that without flat number it is not possible to identify the person.

Respondent No. 2:- Received un-served. The accompanying communication from the office of the Director of Agriculture informed states that, the addressee is no longer holding the post of Director of Agriculture.

Respondent Nos. 11, 12 & 13:– The respective notices were received by their respective wives on their behalf.

Respondent Nos. 16, 17, 18 & 19:–

The respective notices could not be served. As per Grampradhan, no such person, resides in the given addresses.

From the above observations, it can be discerned that **service of notice upon the respondent Nos. 11, 12 & 13 has been completed.** Further, as far as the respondent Nos. 1.2, 2, 16, 17, 18 & 19, notices could not be effected.

In view of the above, the appellants are hereby directed to obtain necessary instructions regarding present address of respondent Nos. 1.2, 2, 16, 17, 18 & 19, within 7(seven) days from the date of this order. The details so acquired must be furnished before the next Lawazima Court.

Let the matter be listed before the Lawazima Court again on 11.09.2026.

-

Deputy Registrar (Bench)

Comparing Assistant