

GAHC010193282025



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

Case No. : I.A.(Civil)/2899/2025

MUSTT ALEKA BANU AND ORS
W/O LATE PYAR HUSSAIN, RESIDENT OF RUPOHI TOWN, MOUZA
KHATOWAL DIST NAGAON (ASSAM)

2: MD. ASHADUL
S/O LATE PYAR HUSSAIN
RESIDENT OF RUPOHI TOWN
MOUZA KHATOWAL DIST NAGAON (ASSAM)

3: MD. MUKSHADUL
S/O LATE PYAR HUSSAIN
RESIDENT OF RUPOHI TOWN
MOUZA KHATOWAL DIST NAGAON (ASSAM)

4: MD. JIBAHIL
S/O LATE PYAR HUSSAIN
RESIDENT OF RUPOHI TOWN
MOUZA KHATOWAL DIST NAGAON (ASSAM)

VERSUS

ON THE DEATH OF RAFIQULLAH DEWAN ORS
HIS LEGAL HEIRS

1.1:DILWAR HUSSAIN DEWAN
RESIDENT OF RUPOHI TOWN
MOUZA KHATOWAL DIST NAGAON (ASSAM)

1.2:MUKTAR HUSSAIN DEWAN
RESIDENT OF RUPOHI TOWN
MOUZA KHATOWAL DIST NAGAON (ASSAM)

1.3:MANZILA KHATUN
RESIDENT OF RUPOHI TOWN

MOUZA KHATOWAL DIST NAGAON (ASSAM)

1.4:ABEDA KHATUN

ALL ARE RESIDENT OF RUPOHI TOWN

MOUZA KHATOWAL DIST NAGAON (ASSAM) 782125

2:ON THE DEATH OF MD. MUSSTT. KULSUM BIBI
HER LEGAL HEIRS

2.1:MD. JAFAR HUSSAIN

S/O LATE MD. MUSSTT. KULSUM BIBI

RESIDENT OF NORTH DIMRUPAR

PO KOPAH BARI

PS MURAJAR

NILBAGAN

DIST HOJAI

ASSAM 782445

2.2:MD. TAPAZUL HUSSAIN

S/O LATE MD. MUSSTT. KULSUM BIBI

RESIDENT OF NORTH DIMRUPAR

PO KOPAH BARI

PS MURAJAR

NILBAGAN

DIST HOJAI

ASSAM 782445

2.3:MUSST. FIROZA KHATUN

D/O LATE MD. MUSSTT. KULSUM BIBI

RESIDENT OF NORTH DIMRUPAR

PO KOPAH BARI

PS MURAJAR

NILBAGAN

DIST HOJAI

ASSAM 782445

2.4:MUSST. AFIA KHATUN

D/O LATE MD. MUSSTT. KULSUM BIBI

RESIDENT OF NORTH DIMRUPAR

PO KOPAH BARI

PS MURAJAR

NILBAGAN

DIST HOJAI

ASSAM 78244

Advocate for the Petitioner : MR. D MOZUMDER, MR. P BORAH

Advocate for the Respondent : MR. A R BHUYAN, MR. N HOQUE, MR N A MAZARBHUIYA, MR N Z CHOUDHURY

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN**

ORDER

09.01.2026

Heard Ms. K. Bharali, learned counsel for the applicants and Mr. N.Z. Choudhury, 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 2790 days in preferring the connected substitution application on account of death of respondent No. 2.

3. Ms. Bharali, learned counsel for the applicant submits that in respect of substitution of legal heirs in place of respondent No. 2, in RSA No. 398/2018, the delay of 2790 days occurred. Ms. Bharali also submits that the appellant informed her regarding demise of respondent No. 2 only in the month of February, 2025 and for which, the delay of 2790 days occurred in preferring the substitution application. Ms. Bharali further submits that the said delay is not intentional, rather it is circumstantial and the same has been explained in paragraph Nos. 5 – 8 and therefore, it is contended to allow this petition.

4. The learned counsel for the opposite party No. 1 submits that he has no objection in the event of allowing this application.

5. Considering the submissions of learned counsel for both the parties and also considering the explanation so forthcoming for delay of 2790 days in

preferring the substitution applications, this Court is inclined to allow this application and accordingly, the said delay stands condoned.

6. In terms of above, this I.A. stands disposed of.

JUDGE

Comparing Assistant