

GAHC010100552024



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

Case No. : I.A.(Civil)/1655/2024

ON DEATH OF AHMMAD ALI HIS LEGAL HEIRS- MD. HUSSAIN ALI AND 10 ORS.

MD. HUSSAIN ALI, SON OF LATE AHMMAD ALI, R/O VILLAGE NO.2, DUNGABORI, P.O. JAGIROAD, MOUZA GOBA, P.S. JAGIROAD, DISTRICT MORIGAON, ASSAM, PIN 782410.

2: ON THE DEATH OF MUSSTT. HASEN BANU

(HER LEGAL HEIRS APPELLANTS 3 TO 7 ARE ALREADY ON RECORD)

3: MUSSTT. ANUWARA BEGUM

D/O LATE AHAMMAD ALI
RESIDENT OF VILL NO. 2
DUNGABORI MOUZA GONA
P.O. JAGIROAD
P.S. JAGIROAD
DIST. MORIGAON
ASSAM.

4: ON THE DEATH OF MUSSTT. MANUWARA BEGUM

D/O LATE AHAMMAD ALI
HER LEGAL HEIRS ARE

4.1: MANJUWARA BEGUM

D/O MANNAS ALI
W/O BAHARUL ISLAM
RESIDENT OF VILL NO. 2
DUNGABORI MOUZA GONA
P.O. JAGIROAD
P.S. JAGIROAD
DIST. MORIGAON

ASSAM.

4.2: MONURUDDIN
S/O MANNAS ALI
RESIDENT OF VILL NO. 2
DUNGABORI MOUZA GONA
P.O. JAGIROAD
P.S. JAGIROAD
DIST. MORIGAON
ASSAM.

4.3: MOHARUDDIN

S/O MANNAS ALI
RESIDENT OF VILL NO. 2
DUNGABORI MOUZA GONA
P.O. JAGIROAD
P.S. JAGIROAD
DIST. MORIGAON
ASSAM.

5: MUSSTT. FATEMA BEGUM

D/O LATE AHAMMAD ALI
RESIDENT OF VILL NO. 2
DUNGABORI MOUZA GONA
P.O. JAGIROAD
P.S. JAGIROAD
DIST. MORIGAON
ASSAM.

6: MUSSTT. HALIMA BEGUM

D/O LATE AHAMMAD ALI
RESIDENT OF VILL NO. 2
DUNGABORI MOUZA GONA
P.O. JAGIROAD
P.S. JAGIROAD
DIST. MORIGAON
ASSAM.

7: MUSSTT. KULSUM BEGUM

D/O LATE AHAMMAD ALI
RESIDENT OF VILL NO. 2
DUNGABORI MOUZA GONA
P.O. JAGIROAD
P.S. JAGIROAD
DIST. MORIGAON

ASSAM.

8: ON THE DEATH OF HASEN ALI

HIS LEGAL HEIRS ARE

8.1: MD NURUL ALI

S/O LATE HASEN ALI
GRAND SON OF LATE AHAMMAD ALI
RESIDENT OF VILL NO. 2
DUNGABORI MOUZA GONA
P.O. JAGIROAD
P.S. JAGIROAD
DIST. MORIGAON
ASSAM.

8.2: MIRAZ ALI

S/O LATE HASEN ALI
GRAND SON OF LATE AHAMMAD ALI
RESIDENT OF VILL NO. 2
DUNGABORI MOUZA GONA
P.O. JAGIROAD
P.S. JAGIROAD
DIST. MORIGAON
ASSAM.

8.3: MUSSTT. PAMPI BEGUM

D/O LATE HASEN ALI
GRAND DAUGHTER OF LATE AHAMMAD ALI
RESIDENT OF VILL NO. 2
DUNGABORI MOUZA GONA
P.O. JAGIROAD
P.S. JAGIROAD
DIST. MORIGAON
ASSAM.

8.4: MUSSTT. MASUDA BEGUM

DAUGHTER-IN-LAW OF LATE AHAMMAD ALI
RESIDENT OF VILL NO. 2
DUNGABORI MOUZA GONA
P.O. JAGIROAD
P.S. JAGIROAD
DIST. MORIGAON
ASSAM

VERSUS

MARJAT ALI and ORS.
S/O LATE MEHER ALI, R/O VILLAGE GHUNUCHA,, P.O. JAGIROAD, P.S.
JAGIROAD, DISTRICT MORIGAON, ASSAM, PIN 782410.

2:MD. HARJAT ALI

S/O LATE MEHER ALI
R/O VILLAGE GHUNUCHA

P.O. JAGIROAD
P.S. JAGIROAD
DISTRICT MORIGAON
ASSAM
PIN 782410.

3:ON THE DEATH POF MUSSTT. GULSHAN BIBI

DAUGHTER OF LATE MEHER ALI
HER LEGAL HEIRS ARE

3.1:SADDAM HUSSAIN
S/O LATE KALU SHEIKH
RESIDENT OF VILL GHUNUCHA
P.O. JAGIROAD
P.S. JAGIROAD
DIST. MORIGAON
ASSAM.

3.2:HAJERA BEGUM

W/O TAFIKUR RAHMAN
D/O LATE KALU SHEIKH
RESIDENT OF VILL GHUNUCHA
P.O. JAGIROAD
P.S. JAGIROAD
DIST. MORIGAON
ASSAM.

3.3:MASHUDA BEGUM

W/O LATE ABUL HUSSAIN
D/O LATE KALU SHEIKH
RESIDENT OF VILL GHUNUCHA
P.O. JAGIROAD

P.S. JAGIROAD
DIST. MORIGAON
ASSAM.

3.4: MASLIMA BEGUM

W/O MAJNUR ALI
D/O LATE KALU SHEIKH
RESIDENT OF VILL GHUNUCHA
P.O. JAGIROAD
P.S. JAGIROAD
DIST. MORIGAON
ASSAM

Advocate for the Petitioner : MR M H CHOUDHURY, MR. M K CHOUDHURY, MD. M H CHOUDHURY

Advocate for the Respondent : ,

In

Case : RSA/203/2013

ON DEATH OF AHMMAD ALI HIS LEGAL HEIRS- MD. HUSSAIN ALI SON and 10 ORS.

2: HASEN BANU
WIFE

3: ANUWARA BEGUM
DAUGHTER

4: MANUWARA BEGUM
DAUGHTER

5: FATEMA BEGUM
DAUGHTER

6: HALIMA BEGUM
DAUGHTER

7: KULSUM BEGUM
DAUGHTER

8: ON DEATH OF HASEN ALI

S/O LATE AHMMAD ALI HIS LEGAL HEIRS ARE AMD. NURUL ALI
GRANDSON B MD.MIRAZ ALI
DO C MUSSTT. PAMPI BEGUM
GRAND DAUGHTER D MUSST. MASUDA BEGUM
DAUGHTER IN LAW THE PETITITONER APPELLANT NO. 8 A
8 B AND 8 C ARE MINORS WHO ARE REPRESENTED BY THEIR MOTHER
APPELLANT NO. 8 D ALL ARE RESIDENT OF VILL.NO. 2 DUNGABORI
P.O. JAGIROAD
MOUZA GONA
P.S.JAGIROAD
DIST.MORIGAON
ASSAM.
VERSUS

MARJAT ALI and 2 ORS.

2:MD. HARJAT ALI

BOTH ARE SONS OF LATE MEHER ALI

3:MUSTT. GULSHAN BIBI

D/O LT. MEHER ALI
ALL ARE RESIDENT OF VILL NO. 2
DUNGABORI MOUZA GONA
P.O. JAGIROAD
P.S. JAGIROAD
DIST. MORIGAON
ASSAM.

Advocate for : MS.F AHMED
Advocate for : appearing for MARJAT ALI and 2 ORS.

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

01.10.2024

- 1.** Heard Mr. M.H. Choudhury, learned Senior Counsel, assisted by Mr. S.N. Ahmed, learned counsel for the applicants.
- 2.** This application under Section 5 of the Limitation Act, 1963 has been filed by the applicants/appellants for condoning the delay in filing substitution petition for substituting the legal heirs of applicant Nos. 4 and respondent No. 3 on their death.
- 3.** Issue notice to the opposite parties.
- 4.** The learned counsel for the applicants shall take steps for issuance of notice upon the opposite parties, by registered post with A/D as well as through usual mode within 7(seven) days from the date of this order, returnable on 14th November, 2024.
- 5.** List accordingly.

JUDGE

Comparing Assistant