

GAHC010193282025



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

Case No. : I.A.(Civil)/2901/2025

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

RAFIQULLAH DEWAN AND ORS
S/O LATE AKHILUDDIN DEWAN

RESIDENT OF NILBAAN
DIST NAGAON
ASSAM

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 782445

Advocate for : MR. D MOZUMDER
Advocate for : MR. A R BHUYAN appearing for RAFIQULLAH DEWAN AND ORS

**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.

2. This interlocutory application, under Order XXII Rule 2 of the CPC, is preferred by the applicants for substitution of the legal heirs of the respondent No. 2, in RSA No. 298/2018.

3. Ms. Bharalli, learned counsel for the applicants submits that the respondent No. 2 suffered demise in the month of September, 2017. But, the same was informed to her by the appellant only in the month of February, 2025 and for which, the substitution petition could not be filed in time and that when the matter was informed, the delay of 2790 days occurred.

3.1. Ms. Bharali also submits that for condoning the said delay, an application, under Section 5 of the Limitation Act, has been filed and the same has also been allowed by this Court.

3.2. Ms. Bharali further submits that since the respondent No. 2 suffered demise, there is a requirement for substituting the legal heirs in his place and therefore, it is contended to allow this application.

4. The learned counsel for the opposite party 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 facts and circumstances on the record, this interlocutory

application stands allowed.

6. Accordingly, it is provided that the names of the legal heirs of the respondent No. 2 be impleaded in the connected appeal.

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

JUDGE

Comparing Assistant