

GAHC010193462025



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

Case No. : I.A.(Civil)/2893/2025

ON THE DEATH OF BICHITRA BAISHYA
HIS LEGAL HEIRS

1.1: SUMITRA BAISHYA
W/O LATE BICHITRA BAISHYA

RESIDENT OF VILLAGE MAROWA
MOUZA UPAR BARBHAG
PS AND DIST NALBARI
ASSAM 781348

1.2: GAGAN BAISHYA
SO LATE BICHITRA BAISHYA

RESIDENT OF VILLAGE MAROWA
MOUZA UPAR BARBHAG
PS AND DIST NALBARI
ASSAM 781348

1.3: CHAMPAK BAISHYA
SO LATE BICHITRA BAISHYA

RESIDENT OF VILLAGE MAROWA
MOUZA UPAR BARBHAG
PS AND DIST NALBARI
ASSAM 78134

VERSUS

RUBUL AHMED
S/O LATE MAFIJUDDIN AHMED, R/O KORIYA, MOUZA- UPAR BARBHAG,
P.S. AND DIST.- NALBARI, ASSAM.

2:MD. BAPAN AHMED

S/O LATE MAFIJUDDIN AHMED

R/O KORIYA
MOUZA- UPAR BARBHAG
P.S. AND DIST.- NALBARI
ASSAM.

3:MUSSTT. JABEDA BIBI
W/O LATE MAFIJUDDIN AHMED

R/O KORIYA
MOUZA- UPAR BARBHAG
P.S. AND DIST.- NALBARI
ASSAM.

4:GARGA BAISHYA
S/O JALIRAM BAISHYA

VILL.- MAROWA
MOUZA- UPAR BARBHAG
P.S. AND DIST.- NALBARI
ASSAM.
PRESENTLY RESIDING AT HATIGAON
LAKHIMI NAGAR
HOUSE NO. 11
GUWAHATI
DIST.- KAMRUP
ASSAM.

5:ANIL BAISHYA
S/O LATE BAIKUNTHA BAISHYA

VILL.- MAROWA
MOUZA- UPAR BARBHAG
P.S. AND DIST.- NALBARI
ASSAM.

6:DEBEN BAISHYA
S/O LATE BAIKUNTHA BAISHYA

VILL.- MAROWA
MOUZA- UPAR BARBHAG
P.S. AND DIST.- NALBARI
ASSAM.

7:GIRIDHAR BAISHYA
S/O LATE BAIKUNTHA BAISHYA

VILL.- MAROWA
MOUZA- UPAR BARBHAG
P.S. AND DIST.- NALBARI
ASSAM

Advocate for the Petitioner : MR. B D DEKA, MR A BHATRA,N CHAUDHURY,MR. A K DAS,MR A DEKA,MR. M DAS

Advocate for the Respondent : , MR D CHOUDHURY (r-1),MR M CHOUDHURY (r-1)

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

05.01.2026

1. Heard Mr. N. Chaudhury, learned counsel for the applicant. Also heard Mr. S. Difusa, learned counsel for the respondent nos. 1, 2 and 3.
2. This application under Section 5 of the Limitation Act, 1963 has been filed by the legal heirs of the deceased appellant for condoning the delay of 363 days filing the application for setting aside abatement as well as substitution of the legal heirs of the deceased applicant.
3. Issue notice to the respondents.
4. Since Mr. S. Difusa has appeared for the respondent nos. 1, 2 and 3, no formal notice need to be issued to the said respondents, however, as regards the respondent nos. 4, 5, 6 and 7, the applicant shall take steps for issuance of notice upon the said respondents by speed post as well as by usual mode within 7 days from the date of this order, returnable on 25.02.2026.
5. List accordingly.

JUDGE

Comparing Assistant