

GAHC010193462025



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

Case No. : I.A.(Civil)/2896/2025

ON THE DEATH OF BICHITRA BAISHYA
HER 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 781348
VERSUS

MD RUBUL AHMED AND ORS
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:ON THE DEATH OF ANIL BAISHYA
HIS LEGAL HEIRS

5.1:SMTI PADUMI BAISHYA
W/O LATE ANIL BAISHYA

VILL.- MAROWA (KOTAICHUPA) MARUWA UTSAV SETRA
DIST NALBARI
ASSAM

5.2:SHRI HEMEN BAISHYA
S/O LATE ANIL BAISHYA

VILL.- MAROWA (KOTAICHUPA) MARUWA UTSAV SETRA
DIST NALBARI
ASSAM

5.3:SHRI KISHOK BAISHYA
S/O LATE ANIL BAISHYA

VILL.- MAROWA (KOTAICHUPA) MARUWA UTSAV SETRA
DIST NALBARI
ASSAM

5.4:SMTI MRINALI BAISHYA
D/O LATE ANIL BAISHYA

VILL.- MAROWA (KOTAICHUPA) MARUWA UTSAV SETRA
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 : MR. B D DEKA
Advocate for : appearing for MD RUBUL AHMED AND ORS

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 appellant for condoning the delay of 144 days in filing the application

for setting aside abatement as well as substituting the name of the legal heirs of the respondent no. 5 on his death.

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