

GAHC010198832010



undefined

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

Case No. : RSA/65/2010

HARIDAS DUTTA and 8 ORS
S/O DEBENDRA DUTTA,

2: AMRIT DEY

S/O LT. AMIYA DEY.

3: SMT. ANITA DEY

W/O LT. SUDHIR DEY.

4: SMT. LAKSHMI SARKAR

W/O LT. SUKUMAR SARKAR.

5: K.C. DAS @ KAJAL CH. DAS

S/O SUNIL DAS.

6: GAURANGA DAS

S/O LT. BIREN DAS

7: NARAYAN SUTRADHAR

S/O LT. ROBINDRA SUTRADHAR.

8: HAREN DAS

S/O LT. GAGAN DAS.

9: SUBAL DAS

S/O LT. SATISH CH. DAS

ALL ARE R/O VILL. PATIDOI BHERELA
P.O. and P.S. MISSAMARI
DIST. SONITPUR
ASSAM

VERSUS

PROMOD DEKA @ PROMOD CH. DEKA and ANR

2:ANUPAM DEKA

ALL ARE SONS OF LATE PRABIN CH. DEKA
R/O L.B. ROAD
TEZPUR
TOWN
P.O. and P.S. TEZPUR
DIST. SONITPUR
ASSAM

Advocate for the Petitioner : MR.R S CHAUHANP-9, MR.B B NARZARI,MR.R
BAISHYA,MR.N NARZARY,MR.P K BRAHMA

Advocate for the Respondent : MR.A HUSSAINR-1, MS M N KONYAK(R2),MR G
CHOUDHURY(R2),MR.P K DEKA(R-1),MR.R SARMA(R-1),MR.S K TALUKDAR,MR.H
DEKA(R-1),MR.B NATH,MR.D HAZARIKA(R-1),MR.A DEKA(R-1)

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 02.06.2026

Mr. R.S. Chauhan, learned counsel for the appellants has submitted that during the pendency of this appeal, the appellant nos. 1, 6 and 8 have expired. The appellant no. 6 is stated to have died on 23.01.2025 and he is not aware of the date of death of the other two appellants. He submits that he is in touch of the legal representatives of the said deceased appellants, who are arriving to Guwahati to do the needful.

2. Mr. G. Choudhury, learned counsel for the respondents has submitted

that the respondent no. 1 had died on 02.03.2025 and accordingly, an application was filed by the earlier set of counsel under Order XXII Rule 10 A CPC on 22.05.2025 to bring the said fact on record. It is submitted that as the learned counsel appearing for the deceased respondent no. 1 had discharged his duty under Order XXII Rule 10 A CPC, the present appeal is abated. However, no such application is on record.

3. Be that as it may, as the death of the respondent no. 1 is recorded in the order dated 07.05.2026, disclosing the date of death on 02.03.2025, the appeal is abated. However, as the learned counsel for the appellant prays for some time to take instruction, the matter stands adjourned today.

4. This being an appeal of the year 2010, long adjournment cannot be granted.

5. List on 17.06.2026.

JUDGE

Comparing Assistant