

GAHC010204742025



2026:GAU-AS:6357

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

**Case No. : I.A.(Civil)/3072/2025**

ON THE DEATH OF SHRI RAJEN GOSWAMI

HIS LEGAL HEIRS

1.1: SMTI TARUNI GOSWAMI  
W/O LATE RAJEN GOSWAMI

RESIDENT OF VILLAGE KHARKHOWAPARA  
PO DEOMORNOI  
MANGALDAI  
DIST DARRANG  
ASSAM 784147 ASSAM

1.2: SMTI ANANDITA GOSWAMI  
D/O LATE RAJEN GOSWAMI

RESIDENT OF VILLAGE KATAHI  
PO SANTIPUKHURI  
DIST DARRANG  
ASSAM

1.3: SMTI PIKUMANI GOSWAMI  
D.O LATE RAJEN GOSWAMI  
RESIDENT OF BHEBARGHAT NO. 2  
BAMUNPARA  
MANGALDAI  
DIST DARRANG  
ASSAM 784125 ASSAM

2: SRI PARESH GOSWAMI  
S/O LATE MANIK GOSWAMI  
RESIDENT OF VILLAGE KHARKHOWAPARA  
MOUZA SARABARI  
PS MANGALDOI

DIST DARRANG  
ASSAM

3: SMTI BHARATI GOSWAMI  
D/O LATE MANIK GOSWAMI  
RESIDENT OF VILLAGE KHARKHOWAPARA  
MOUZA SARABARI  
PS MANGALDOI  
DIST DARRANG  
ASSAM

4: SRI MAHENDRA GOSWAMI  
S/O LATE MANIK GOSWAMI  
RESIDENT OF VILLAGE KHARKHOWAPARA  
MOUZA SARABARI  
PS MANGALDOI  
DIST DARRANG  
ASSAM

5: SHRI BUDHU GOSWAMI  
S/O NARAYAN GOSWAMI

RESIDENT OF VILLAGE KHARKHOWAPARA  
MOUZA SARABARI  
PS MANGALDOI  
DIST DARRANG  
ASSAM  
VERSUS

SRI KANAK CH. DEKA AND ORS  
S/O LATE GANA KOCH AND RESIDENT OF VILLAGE KHARKHOWAPARA  
MOUZA SARABARI  
PS MANGALDOI  
DIST DARRANG  
ASSAM

2:SRI RANJIT DEKA  
S/O LATE GANA KOCH AND RESIDENT OF VILLAGE KHARKHOWAPARA  
MOUZA SARABARI  
PS MANGALDOI  
DIST DARRANG  
ASSAM

3:SRI DANDA DEKA  
S/O LATE GANA KOCH AND RESIDENT OF VILLAGE KHARKHOWAPARA  
MOUZA SARABARI  
PS MANGALDOI  
DIST DARRANG

ASSAM

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Advocate for : MR. S P ROY

Advocate for : appearing for SRI KANAK CH. DEKA AND ORS

**BEFORE  
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

**ORDER**

**Date : 08.05.2026**

Heard Mr. J. Das, learned counsel for the applicant. Also heard Mr. D. Mazumdar, learned counsel for the respondent Nos.1 to 4.

The present interlocutory application has been filed under Order XXII Rule 9(2) of the CPC read with Order XXI Rule 3 of the CPC for setting aside the abatement against the deceased Appellant No.1.

It appears from the materials on record that during the pendency of the connected RSA No.217/2011, the appellant No.1, Rajen Goswami, expired on 30.10.2021, leaving behind the following legal heirs:

1(i). Smti. Taruni Goswami.

1(ii). Smti. Anandita Goswami.

1(iii). Smti. Pikumani Goswami.

I have considered the submissions advanced by the learned counsel for the parties and have also perused the materials available on record.

From the explanation furnished in the application, this Court is this Court is satisfied that the delay in bringing the legal heirs of the deceased appellant on record does not appear to be deliberate or mala fide. Learned counsel for the respondents has also fairly submitted that he has no objection to the prayer made in the application.

In the circumstances, and upon being satisfied that sufficient cause has been shown, the abatement that occurred on account of the death of the appellant No1 in RSA No.217/2011 is hereby set aside.

The applicant shall take necessary steps for substitution of the legal heirs of the deceased appellant in accordance with law.

With the above directions, the interlocutory application stands disposed of.

**JUDGE**

**Comparing Assistant**