

GAHC010238402025



2026:GAU-AS:189

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

Case No. : I.A.(Civil)/3791/2025

ON THE DEATH OF PRADIP CHAKRABORTY HIS LEGAL HEIRS ARATI
CHAKRABORTY AND 2 ORS
WIFE OF LATE PRADIP CHAKRABORTY
RESIDENT OF PRINCE ROAD
SONAI ROAD
PS- SILCHAR
DISTRICT- CACHAR
ASSAM

2: MISS PUJA CHAKRABORTY
DO- LATE PRADIP CHKLABORTY
RESIDENT OF PRINCE ROAD
SONAI ROAD
PS- SILCHAR
DISTRICT- CACHAR
ASSAM

3: MISS PRIYA CHAKRABORTY
DO- LATE PRADIP CHKLABORTY

RESIDENT OF PRINCE ROAD
SONAI ROAD
PS- SILCHAR
DISTRICT- CACHAR
ASSAM
VERSUS

SHRI BIPRAJIT CHAKRABORTY
SON OF LATE BIDHU BHUSAN CHAKRABORTY
RESIDENT OF GUNOMOYEE ROAD
TARAPURSILCHAR TOWN PS- SILCHAR DISTRICT- CACHAR
ASSAM

Advocate for : MR. P K ROYCHOUDHURY
Advocate for : MR. S K GHOSH appearing for SHRI BIPRAJIT CHAKRABORTY

Linked Case : RFA/123/2019

SHRI PRADIP CHAKRABORTY
S/O- LATE JADAV CHAKRABORTY
PRINCE ROAD
SONAI ROAD
P.S. SILCHAR
DIST.- CACHAR
ASSAM.

VERSUS

SHRI BIPRAJIT CHAKRABORTY
S/O- LATE BIDHU BHUSAN CHAKRABORTY
GUNOMOYEE ROAD
TARAPUR
SILCHAR TOWN
P.S. SILCHAR
DIST.- CACHAR
ASSAM
PIN- 788001.

Advocate for : MR. P K ROY
Advocate for : MR. S K GHOSH appearing for SHRI BIPRAJIT CHAKRABORTY

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

07.01.2026

Heard Mr. R. Chakraborty, learned counsel for the applicants and Mr. S. K. Ghosh, learned counsel for the opposite party.

2. This interlocutory application, under Order XXII, Rule 9(2), read with Section

151 of the Code of Civil Procedure, is preferred by the applicants for setting aside abatement of the First Appeal, in RFA No. 123/2019.

3. Mr. Chakraborty, learned counsel for the applicants submits that Mr. Pradip Chakraborty, the appellant in RFA No. 123/2019, had suffered demise on 20.10.2024, leaving behind three legal heirs, namely, Ms. Arati Chakraborty, Ms. Puja Chakraborty and Ms. Priya Chakraborty; and after the death of Mr. Pradip Chakraborty, the appeal stands abated and this abatement has to be set aside, as the applicants have filed one application for impleadment of the legal heirs and the same has already been condoned by this Court and as such, there is a requirement for setting aside the First Appeal, in RFA No. 123/2019.

4. Mr. Ghosh, learned counsel for the opposite party submits that he has no objection in the event of allowing this petition.

5. Accordingly, taking note of the submissions of the learned counsel for both the parties, this Court is inclined to allow this application.

6. The abatement of RFA No. 123/2019 stands set aside.

7. In terms of the above, this interlocutory application stands disposed of.

JUDGE

Comparing Assistant