

GAHC010187082020



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

Case No. : I.A.(Civil)/2280/2020

MD EUNWESH ALI @ MD UNSH ALI
S/O. LATE AYAB ALI @ AYUB ALI,
R/O. VILL. CHAKUMAKU,
MOUZA- GOVA, P.S. JAGIROAD, DIST. MORIGAON(ASSAM)

VERSUS

ON THE DEATH OF ATARHAN NESSA HER LEGAL HEIR AMIRAN NESSA
AND 7 ORS.

W/O. LATE AYAB ALI @ AYUB ALI, R/O. VILL. CHAKUMAKU, MOUZA-
GOVA, P.S. JAGIROAD, DIST. MORIGAON (ASSAM), PIN-782105

2:NOORJAHAN BEGUM
D/O. LATE AYAB ALI @ AYUB ALI
R/O. VILL. CHAKUMAKU
MOUZA- GOVA
P.S. JAGIROAD
DIST. MORIGAON (ASSAM)
PIN-782105

3:ATARJAN NESSA
D/O. LATE AYAB ALI @ AYUB ALI
R/O. VILL. CHAKUMAKU
MOUZA- GOVA
P.S. JAGIROAD
DIST. MORIGAON (ASSAM)
PIN-782105

4:HALIMA BEGUM
D/O. LATE AYAB ALI @ AYUB ALI
R/O. VILL. CHAKUMAKU
MOUZA- GOVA
P.S. JAGIROAD
DIST. MORIGAON (ASSAM)
PIN-782105

5:MANIKJAN NESSA
D/O. LATE AYAB ALI @ AYUB ALI
R/O. VILL. CHAKUMAKU
MOUZA- GOVA
P.S. JAGIROAD
DIST. MORIGAON (ASSAM)
PIN-782105

6:NUR MIYAN
S/O. HAREJ ALI
R/O. VILL. CHAKUMAKU
MOUZA- GOVA
P.S. JAGIROAD
DIST. MORIGAON (ASSAM)
PIN-782105

7:CHAND MAMUD
S/O. HAREJ ALI
R/O. VILL. CHAKUMAKU
MOUZA- GOVA
P.S. JAGIROAD
DIST. MORIGAON (ASSAM)
PIN-782105

8:ABDUL MALEK
S/O. IDRISH ALI
R/O. VILL. CHAKUMAKU
MOUZA- GOVA
P.S. JAGIROAD
DIST. MORIGAON (ASSAM)
PIN-78210

Advocate for the Petitioner : G UDDIN,
Advocate for the Respondent : ,

Linked Case : RSA/23/2019

MD EUNWESH ALI @ MD UNSH ALI
S/O LATE AYAB ALI @ AYUB ALI

RESIDENT OF VILLAGE CHAKUMAKU

MOUZA GOVA
PS JAGIROAD
DIST MORIGAON(ASSAM) 782105

VERSUS

MUSSTT NOORJAHAN BEGUM AND 6 ORS
D/O LATE AYAB ALI @ AYUB ALI
RESIDENT OF VILLAGE CHAKUMAKU
MOUZA GOVA
PS JAGIROAD
DIST MORIGAON(ASSAM) 782105

2:MUSSTT. ATARJAN NESSA

D/O LATE AYAB ALI @ AYUB ALI
RESIDENT OF VILLAGE CHAKUMAKU
MOUZA GOVA
PS JAGIROAD
DIST MORIGAON(ASSAM) 782105

3:MUSSTT. HALIMA BEGUM
D/O LATE AYAB ALI @ AYUB ALI
RESIDENT OF VILLAGE CHAKUMAKU
MOUZA GOVA
PS JAGIROAD
DIST MORIGAON(ASSAM) 782105

4:MUSST. MANIKJAN NESSA
D/O LATE AYAB ALI @ AYUB ALI
RESIDENT OF VILLAGE CHAKUMAKU
MOUZA GOVA
PS JAGIROAD
DIST MORIGAON(ASSAM) 782105

5:MD. NUR MIYAN
S/O HAREJ ALI
RESIDENT OF VILLAGE CHAKUMAKU
MOUZA GOVA
PS JAGIROAD
DIST MORIGAON(ASSAM) 782105

6:MD. CHAND MAMUD

S/O HAREJ ALI
RESIDENT OF VILLAGE CHAKUMAKU

MOUZA GOVA
PS JAGIROAD
DIST MORIGAON(ASSAM) 782105

7:MD. ABDUL MALEK

S/O IDRISH ALI

RESIDENT OF VILLAGE CHAKUMAKU

MOUZA GOVA
PS JAGIROAD
DIST MORIGAON(ASSAM) 782105

Advocate for : G UDDIN

Advocate for : MR J C BORAH (R8) appearing for MUSSTT NOORJAHAN BEGUM
AND 6 ORS

BEFORE
HONOURABLE MR. JUSTICE SANJEEV KUMAR SHARMA

ORDER

Date : 25.02.2026

Heard Ms. C. M. Deka, learned counsel for the applicant and Mr. S.A. Ahmed, learned counsel for the respondent Nos. 2, 3, 6 and 7.

As per order of the Lawazima Court dated 12.02.2026, service on respondent No. 5 is deemed to be complete.

This I.A. has been preferred under Order 1 Rule 10(2) of the CPC, 1908 praying for striking out of the deceased/ respondent No.3, Mustt. Atarjan Nessa in RSA No. 23/2019 and for substituting her legal heirs namely 3(a) Sona Banu, 3(b) Apar Banu, 3(c) Gul Banu, 3(d) Abdul Jalil, 3(e) Abdul Jabbar, 3(f) Abdul Gani and 3(g) Abdul Subhan as mentioned in paragraph 5 of this interlocutory application wherein the serial numbers of the legal heirs are not properly

recorded.

The Prayer for substitution of the legal heirs is allowed.

The names of the aforesaid persons shall stand substituted in place of the deceased/respondent No. 3 as respondent Nos. 3(a) Sona Banu, 3(b) Apar Banu, 3(c) Gul Banu, 3(d) Abdul Jalil, 3(e) Abdul Jabbar, 3(f) Abdul Gani and 3(g) Abdul Subhan.

The I.A. stands disposed of.

The necessary correction be made accordingly. The appellant to file the amended cause title accordingly.

The I.A. stands disposed of.

After necessary correction, the main appeal be listed accordingly.

JUDGE

Comparing Assistant