

GAHC010264242025



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

Case No. : I.A.(Civil)/3933/2025

HOUSING AND URBAN DEVELOPMENT CORPORATION LIMITED HUDCO
A FINANCIAL INSTITUTION REGD UNDER THE COMPANIES ACT, 1956
HAVING ITS REGD OFFICE AT HUDCO BHAWAN, INDIA HABITAT CENTRE,
LODHI ROAD, NEW DELHI- 110003 AND HAVING ITS GUWAHATI ZONAL
OFFICE AT HOUSEFED COMPLEX, RUKIMINI GAON, G S ROAD,
GUWAHATI- 781022 AND REP. BY THE REGIONAL CHIEF HUDCO,
GUWAHATI

VERSUS

ON THE DEATH OF RESPONDENT NO 4 SRI ARUN BORAH HIS HEIRS AND
LEGAL REPRESENTATIVES NAMELY AMIT BORAH
SON OF LATE ARUN BORAH RESIDENT OF BAROWARY GUWAHATI
DISTRICT KAMRUP METRO ASSAM

Advocate for the Petitioner : MR G BHARADWAJ, ABBASH U AHMED, MR. K
BHATTACHARJEE, MR. A C SARMA

Advocate for the Respondent : MR P K KALITA,

BEFORE
HONOURABLE MR. JUSTICE SANJEEV KUMAR SHARMA

ORDER

Date : 25.02.2026

Heard Mr. K. Bhattacharyya, learned counsel for the applicant and Mr. K.R.
Bora, learned counsel for the respondent No. 5. Other respondents have been

duly served but none appears.

This I.A. has been filed under Section 5 of the Limitation Act, 1963 seeking condoning the delay of 456 days in preferring the application for substitution of the legal heirs of the deceased/ respondent No. 4, late Arun Borah as well as for setting aside of abatement of the connected petition being CRP (I.O) No. 322/2017.

Perused the causes shown in the delay petition in preferring the substitution petition which are supported by an affidavit.

The learned counsel for the respondent No. 5 does not have any objection to the condonation of delay.

Having regard to the statement made in the instant application, I am of the view that the applicant was prevented by sufficient causes in approaching the Court within the period of limitation in filing the application for substitution and setting aside of the abatement. Accordingly, the delay of 456 days is allowed.

The I.A. stands disposed of.

JUDGE

Comparing Assistant