

GAHC010266272025



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

Case No. : I.A.(Civil)/41/2026

GULAM HASFIR (PUTUL)
S/O ABDUL HALIM
JAMUNAMUKH
MOUZA AND P.S. JAMUNAMUKH
DIST. NAGAON
PIN 782428
NAGAON

VERSUS

ON THE DEATH OF SAHJAHAN AHMED
HIS LEGAL HEIRS AND ORS.
NAMELY

1.1:RINA BEGUM
WIFE
R/O JAMUNAMUKH
MOUZA
P.O. AND P.S. JAMUNAMUKH
DIST. NAGAON
PIN 782428
ASSAM.

1.2:ANOWAR SHAH AHMED
SON
R/O JAMUNAMUKH
MOUZA
P.O. AND P.S. JAMUNAMUKH
DIST. NAGAON
PIN 782428
ASSAM.

1.3:AMIR SHAH AHMED
SON
R/O JAMUNAMUKH
MOUZA
P.O. AND P.S. JAMUNAMUKH
DIST. NAGAON
PIN 782428
ASSAM.

1.4:ABDUL KADIR SHAH AHMED
SON
R/O JAMUNAMUKH
MOUZA
P.O. AND P.S. JAMUNAMUKH
DIST. NAGAON
PIN 782428
ASSAM.

2:ABDULLA AHMED
S/O LATE HAFIZ ALI ULLAH
R/O JAMUNAMUKH
MOUZA
P.O. AND P.S. JAMUNAMUKH
DIST. NAGAON
PIN 782428
ASSAM.

3:AJIULLAH AHMED
S/O LATE HAFIZ ALI ULLAH
R/O JAMUNAMUKH
MOUZA
P.O. AND P.S. JAMUNAMUKH
DIST. NAGAON
PIN 782428
ASSAM.

4:GULAM KIBRIA
S/O LATE HAFIZ ALI ULLAH
R/O JAMUNAMUKH
MOUZA
P.O. AND P.S. JAMUNAMUKH
DIST. NAGAON
PIN 782428
ASSAM.

5:ESUUF AHMED
S/O LATE HAFIZ ALI ULLAH
R/O JAMUNAMUKH

MOUZA
P.O. AND P.S. JAMUNAMUKH
DIST. NAGAON
PIN 782428
ASSAM.

6:ROUSWAN AKHTAR
S/O LATE HAFIZ ALI ULLAH
R/O JAMUNAMUKH
MOUZA
P.O. AND P.S. JAMUNAMUKH
DIST. NAGAON
PIN 782428
ASSAM.

7:MUSSTT. SABINA YASMIN
D/O LATE HAFIZ ALI ULLAH
R/O JAMUNAMUKH
MOUZA
P.O. AND P.S. JAMUNAMUKH
DIST. NAGAON
PIN 782428
ASSAM.

8:AHMED MUSLEH
S/O LATE HAFIZ ALI ULLAH
R/O JAMUNAMUKH
MOUZA
P.O. AND P.S. JAMUNAMUKH
DIST. NAGAON
PIN 782428
ASSAM.

9:MEHBUBU ANSARI

S/O LATE HAFIZ ALI ULLAH
R/O JAMUNAMUKH
MOUZA
P.O. AND P.S. JAMUNAMUKH
DIST. NAGAON
PIN 782428
ASSAM.

10:SAMSUZ ZAMAN
S/O LATE AKBAR ZAMAN
R/O JAMUNAMUKH
MOUZA
P.O. AND P.S. JAMUNAMUKH

DIST. NAGAON
PIN 782428
ASSAM.

Advocate for : MS. R CHOUDHURY
Advocate for : G UDDIN appearing for ON THE DEATH OF SAHJAHAN AHMED
HIS LEGAL HEIRS AND ORS.

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

16.03.2026

Heard Ms. S. Asmi, learned counsel for the applicant/appellant. Also heard Ms. P. Adhikari, learned counsel appearing for the respondents.

The present interlocutory application has been filed under Order XXII Rule 9 of the Code of Civil Procedure, 1908, praying for setting aside the abatement that has occurred in respect of respondent No. 1 in the connected RSA No. 332/2018.

It appears from the materials on record that during the pendency of the connected RSA No. 332/2018, respondent No. 1, Sahjahan Ahmed, expired on 20.05.2021, leaving behind the following legal heirs:

1. Rina Begum – Wife
2. Anowar Shah Ahmed – Son
3. Amir Shah Ahmed – Son
4. Abdul Kadir Shah Ahmed – Son

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 satisfied

that the delay in bringing the legal heirs of the deceased respondent on record does not appear to be deliberate or mala fide. Learned counsel for the respondents has also fairly submitted that she 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 respondent No. 1 in RSA No. 332/2018 is hereby set aside.

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

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

JUDGE

Comparing Assistant