

GAHC010028342023



2025:GAU-AS:11503

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

Case No. : I.A.(Civil)/582/2023

ON THE DEATH OF PRADIP HAZARIKA
HIS LEGAL HEIRS

1.1: MRS. RINKY ROY HAZARIKA
W/O LATE PRADIP HAZARIKA
R/O VILL-CHARIGAON
P.O. AND P.S.-DERGAON
DIST-GOLAGHAT-735614
ASSAM

1.2: RISHAL HAZARIKA
S/O LATE PRADIP HAZARIKA
R/O VILL-CHARIGAON
P.O. AND P.S.-DERGAON
DIST-GOLAGHAT-735614
ASSAM

1.3: MISS RIPSY HAZARIKA
D/O LATE PRADIP HAZARIKA
R/O VILL-CHARIGAON
P.O. AND P.S.-DERGAON
DIST-GOLAGHAT-735614
ASSAM
VERSUS

ROMEN DAS AND 2 ORS.
S/O LATE PRAFULLA DAS
R/O VILL-BILOTIA
NEGHIRITING
P.S.-DERGAON
DIST-GOLAGHAT-785703
ASSAM (DRIVER OF THE CAR NO AS-03-D-5342)

2:PANKAJ DAS
S/O LATE PRAFULLA DAS
R/O VILL-BILOTIA
NEGHERITING
P.S.-DERGAON
DIST-GOLAGHAT-785703 ASSAM (OWNER OF CAR NO-AS-03-D-5342)

3:THE REGIONALA MANAGER
ORIENTAL INSURANCE CO. LTD.
G.S. ROAD
ULUBARI
GUWAHATI-781007
DIST-KAMRUP (M)
ASSAM
(INSURER OF CAR NO. AS-03-D-5342)

Advocate for : MR. A R AGARWALA
Advocate for : MR. R C PAUL appearing for ROMEN DAS AND 2 ORS.

**BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG
ORDER**

27.08.2025

Heard Mr. C. M. Mahanta, learned counsel for the applicant. Also heard Mr. Iranglube, learned counsel appearing on behalf of Mr. R. C. Paul, learned counsel for the respondent No.3.

This application under Order XXII Rule 4 of the Code of Civil Procedure has been filed with a prayer for substitution of the legal heirs of the deceased applicant, namely Lt. Pradip Hazarika.

Mr. Mahanta, learned counsel for the applicant, submits that during the pendency of MAC Appeal No. 28/2017, the applicant, Lt. Pradip Hazarika, passed away on 21.03.2018, leaving behind the following legal heirs:

- i. Mrs. Rinky Roy Hazarika (wife);
- ii. Sri Rishal Hazarika (son); and
- iii. Ms. Ripsy Hazarika (daughter).

The learned counsel further submits that there was no willful negligence on the part of the applicant in this regard, and accordingly prays for substitution of the name of the deceased applicant, Lt. Pradip Hazarika, with that of his aforesaid legal heirs.

Mr. Iranglube, learned counsel for respondent No. 3/Insurance Company, has raised no objection to the substitution of the legal heirs of the deceased/applicant.

Considering the facts and circumstances of the case, and in the interest of justice, the Interlocutory Application for substitution is hereby allowed.

The applicant is directed to file the amended cause title of the Memo of Appeal, substituting the name of the deceased applicant with those of his legal heirs, as mentioned above.

The Interlocutory Application stands disposed of in terms above.

JUDGE

Comparing Assistant