

GAHC010275562025



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

Case No. : CRP(IO)/540/2025

SAHADEB DAS AND ORS.

S/O- LATE MANOHAR DAS, VILL- MONDIA GAON, MAUZA- MANDIA, P.S.-
BAGHBOR, DIST.- BARPETA, ASSAM, PIN. NO. 781308

2: THE LEGAL HEIRS OF LATE JOYDEV DAS
NAMELY

2.1: BROJEBDRA DAS
RESIDENT OF VILL- MONDIA GAON
MAUZA- MANDIA
P.S.- BAGHBOR
DIST.- BARPETA
ASSAM
PIN. NO.- 781308

2.2: GOJENDRA DAS
RESIDENT OF VILL- MONDIA GAON
MAUZA- MANDIA
P.S.- BAGHBOR
DIST.- BARPETA
ASSAM
PIN. NO.- 781308

2.3: SUJOY DAS
RESIDENT OF VILL- MONDIA GAON
MAUZA- MANDIA
P.S.- BAGHBOR
DIST.- BARPETA
ASSAM
PIN. NO.- 781308

2.4: AJOY DAS
RESIDENT OF VILL- MONDIA GAON
MAUZA- MANDIA

P.S.- BAGHBOR
DIST.- BARPETA
ASSAM
PIN. NO.- 78130

VERSUS

LAKHAN DAS AND ANR
S/O LATE JATRA DAS, VILL. MANDIA GAON, MAUZA MANDIA, P.S.-
BAGHBOR, DIST.- BARPETA, ASSAM

2:AMAL DAS
S/O LATE JATRA DAS
VILL. - MANDIA GAON
MAUZA- MANDIA
P.S.- BAGHBOR
DIST.- BARPETA
ASSA

Advocate for the Petitioner : MR. M U MAHMUD, S SEKH,MR S H MAHMUD

Advocate for the Respondent : ,

BEFORE
HON'BLE MRS. JUSTICE MITALI THAKURIA

ORDER

05-01-2026

Heard Mr. M. U. Mahmud, learned counsel for the petitioners.

This is an application filed under Section 115 of the CPC read with Article 227 of the Constitution of India against the decree passed in the counter claim filed by the respondents in connection with T.S. No. 304/2012.

It is submitted by the learned counsel for the petitioners that during pendency of the said suit, the plaintiff No.2 died on 28.03.2023. But without impleading the legal heirs of the deceased plaintiff as party, the decree was passed on 09.01.2025 which is a nullity.

Issue notice to all the respondents through speed post as well as through usual process.

Call for the TCR of T.S. No. 304/2012.

List this matter after 4(four) weeks, on a date to be fixed by the Registry.

JUDGE

Comparing Assistant