

GAHC010293552019



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

Case No. : RSA/56/2020

MUSSTT. SAHIDA BEGUM
W/O- SAFUR UDDIN, R/O- VILL.- MALATIKHAMA, NOW RESIDING AT
GAURIPUR, GAURIPUR TOWN, P.O. AND P.S. GAURIPUR, DIST.- DHUBRI,
PIN- 783331.

VERSUS

SRI JOYDEV AGARWALA AND 4 ORS
S/O- LATE RAMESWAR AGARWALA, R/O- WARD NO. 15, DHUBRI TOWN,
P.O., P.S. AND DIST.- DHUBRI, PIN- 783301.

2:ON THE DEATH OF OM PRAKESH AGARWALA
HIS LEGAL HEIRS REPRESENTING
S/O- LATE SITA RAM AGARWALA
SUBSTITUTED VIDE ORDER DATED- 15-12-2008.

2.1:SMT. SOMA SUUNDARI AGARWALA (WIFE)
R/O- WARD NO. 5
DHUBRI TOWN
P.S. AND DIST.- DHUBRI
ASSAM
PIN- 783301.

2.2:SRI MULCHAND AGARWALA (SON)
R/O- WARD NO. 5
DHUBRI TOWN
P.S. AND DIST.- DHUBRI
ASSAM
PIN- 783301.

2.3:SRI SATYA NARAYAN AGARWALA (SON)
R/O- WARD NO. 5

DHUBRI TOWN
P.S. AND DIST.- DHUBRI
ASSAM
PIN- 783301.

3:MD. SAMSUL HOQUE
S/O- AKTAR UDDIN
R/O- VILL.- PUB TIAMARI PART-II
P.O. AND P.S. GAURIPUR
DIST.- DHUBRI
PIN- 783331.

4:ABDUL HAKIM
S/O- LATE MOINUDDIN SK
VILL.- MADHUSOULMARI PART-I
P.S. GAURIPUR
DIST.- DHUBRI
ASSAM
PIN- 783331.

5:SAIYADA RAHMAN
W/O- MOZIBAR RAHMAN
R/O- VILL.- KHAGRABARI
P.S. GOLAKGANJ
DIST.- DHUBRI
ASSAM
PIN- 783331

Advocate for the Petitioner : MR. S DAS

Advocate for the Respondent : MR. D SARAF (R- 1, 3, 2.2, 2.3)

BEFORE
DEPUTY REGISTRAR (G AND C) - MR. KAUSTUVMANI GOSWAMI

ORDER

Date : 14.12.2022

Case taken up before the Lawazima Court.

Learned counsel Mr. K Das appears for the appellant.

Perused the records.

The office note dated 12.12.2022 reveals that appellant has not yet taken fresh steps

for service of notice on the respondent No. 5 by registered post with A/D, despite the direction of previous Lawazima Court dated 16.09.2022.

The previous Lawazima Courts dated 14.02.2022 & 16.09.2022 directed that the petitioners may take steps for substitution of legal heirs of the deceased respondent No. 4, if so advised. However, no such steps were taken till date.

In view of the above, the appellant is directed to take fresh steps for service of notice on the respondent No. 5 (**pro-forma respondent**) by registered post with A/D as well as by usual Court process through the office of the learned Munsiff No. 1, Dhubri, within 10(ten) days.

Let the matter be listed again before the Lawazima Court in the third week of January, 2023.

Deputy Registrar (G&C)

Comparing Assistant