

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**  
**HONOURABLE MRS. JUSTICE MALASRI NANDI**

**ORDER**

**Date : 27.03.2023**

Heard Mr. M. A. Sheikh, learned counsel for the appellant. Also heard Dr. D. Saraf, learned counsel for the respondent Nos. 1 to 3.

As per office note dated 21.03.2023, the respondent No. 4 has expired.

It has been submitted by the learned counsel for the appellant that

respondent No. 4 is not required to be heard in the proceeding of this case. Therefore, his name should be struck off from the array of the respondents. Considering the submission of the learned counsel for the appellant, the name of the respondent No. 4 is struck off from array of the respondents in cause title of the appeal at the risk of the appellant.

Regarding respondent No.5, it appears from the record that the notice has been duly served.

The Registry is directed to do the needful.

Seen the office note dated 21.03.2023, LCR's have been received but the same are not available on record.

The Registry is further directed to verify the matter as to whether the LCR's have been received or not, if it is received, the same shall be tagged with the record.

List the matter for hearing in due course.

**JUDGE**

**Comparing Assistant**