

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 : 17.03.2023**

Case taken up before the Lawazima Court.

Learned counsel Mr. S. Das appears for the petitioner. Learned counsel Mr. S.S. Gupta 1, 3, 2(b) & 2(c).

Perused the records.

The office note dated 16.03.2023 reveals that notice was issued to the respondent No. 5 by registered post with A/D as well as by usual Court process on 03.01.2023.

In regard to the notice issued by the registered post with A/D, un-served notice has been received back with postal remark "**No such person, Not found**".

Further, in regard to the notice issued by the usual process, service report has been received back. As per the said service report, **notice has been duly served upon the respondent No. 5 inasmuch as the notice has been received by the daughter-in-law of the said respondent. As such, service is complete in respect of the respondent No. 5.**

In view of the above, the matter may be placed before the hon'ble Court.

**Deputy Registrar (G&C)**

**Comparing Assistant**