

GAHC010293552019



undefined

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:STRUCK OFF
VIDE COURT ORDER DATED 27/03/2023 PASSED IN RSA NO. 56/2020

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, MR. M A SHEIKH, MRS. R T DAS, MR K DAS, MR. N BORUAH, MR H GOGOI

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

Linked Case : I.A.(Civil)/750/2020

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 : MR. S DAS
Advocate for : MR P AGARWAL (R-1
2
3) appearing for SRI JOYDEV AGARWALA AND 4 ORS

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

16.09.2025

Learned counsel Mr. S. Das is present for the appellant/applicant.

Learned counsel Mr. D. Saraf is present for the respondent Nos. 1, 3, 2.2, 2.3. It is submitted that the respondent No. 2.1 has passed away and the name of respondent No. 2.1 may be struck off as respondent No. 2.1 has already been represented by his legal representatives.

After considering the submissions of both the sides, the name of the deceased respondent No. 2.1 is struck off.

List this matter for the hearing immediately after the Puja Vacation of 2025.

JUDGE

Comparing Assistant