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

Case No. : I.A.(Civil)/100/2020

NEW INDIA ASSURANCE CO. LTD.
HAVING ITS REGISTERED OFFICE AT NEW INDIA ASSURANCE BUILDING 87
MAHATMA GANDHI ROAD
MAHATMA GANDHI ROAD
MUMBAI AND ONE OF THE REGIONAL OFFICE AT ULUBARI
GUWAHATI.

VERSUS

ABED ALI and 5 ORS
S/O LATE HAZARAT ALI
R/O VILL. KAWRPARA
P.O. SUKAMANAH
P.S. AND DIST. BARPETA
ASSAM.

2:ON THE DEATH OF ABDUS SALAM HIS LEGAL HEIRS AYESHA KHATUN
W/O LATE ABDUS SALAM
R/O AT VILL. ITERVITA
P.O. BARBALA
P.S. AND DIST. BARPETA
ASSAM.

3:LOKMAN ALI
S/O LATE ABDUS SALAM
R/O AT VILL. ITERVITA
P.O. BARBALA
P.S. AND DIST. BARPETA
ASSAM.

4:SHARUK ALI
S/O LATE ABDUS SALAM
R/O AT VILL. ITERVITA

P.O. BARBALA
P.S. AND DIST. BARPETA
ASSAM.

5:SAIFUL ISLAM
S/O LATE ABDUS SALAM
R/O AT VILL. ITERVITA
P.O. BARBALA
P.S. AND DIST. BARPETA
ASSAM.

6:NUR AHMED
S/O LATE ABDUS SALAM
R/O AT VILL. ITERVITA
P.O. BARBALA
P.S. AND DIST. BARPETA
ASSAM.

Advocate for : MR. R K BHATRA
Advocate for : appearing for ABED ALI and 5 ORS

Linked Case : MFA/51/2016

NEW INDIA ASSURANCE CO. LTD.
HAVING ITS REGISTERED OFFICE AT NEW INDIA ASSURANCE BUILDING 87
MAHATMA GANDHI ROAD
MUMBAI AND ONE OF THE REGIONAL OFFICE AT G.S. ROAD
BHANGAGARH
GUWAHATI.

VERSUS

ABED ALI and ANR.
S/O LATE HAZARAT ALI
R/O VILL. KAWRPARA
P.O. SUKAMANAH
P.S. and DIST. BARPETA
ASSAM.

2:MD. ABDUS SALAM

S/O IMAN ALI
R/O VILL. ITERVITA
P.O. BARBALA
P.S. and DIST. BARPETA

ASSAM.

Advocate for : MR A SAIKIA

Advocate for : appearing for ABED ALI and ANR.

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

Date-06.05.2026

1. Heard Ms. A. Biyani, the learned counsel for the applicant. Also heard Ms. P. Talukdar, the learned counsel appearing on behalf of Mr. K. R. Patgiri, the learned counsel for the respondent No.1.
2. This Interlocutory Application has been filed under Order 22 Rule 3 of the Code of Civil Procedure, 1908 by the applicant Insurance Company for setting aside the abatement of the appellant against the respondent No.2 on his death.
3. Though, there was a delay in filing the instant application, however, by order dated 06.05.2026 passed in I.A. (Civil)/99/2020, the said delay has been condoned.
4. The learned counsel for the respondent No.1/claimant has not objected to the prayer.
5. Considering the ground stated in the instant application, the prayer for setting aside the abatement is allowed and the abatement of the connected MFA No. 51/2016 on death of respondent No.2 is, hereby, set aside.

6. This Interlocutory Application is, accordingly, disposed of.

JUDGE

Comparing Assistant