GAHC010100782026

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

Case No. : I.A.(Civil)/1730/2026

ON THE DEATH OF GOLAP PRASAD SAHU, HIS LEGAL HEIR, SMTI SUBHADRA SAHU
WO LATE GOLAP PRASAD SAHU, RO VILL RAJOTIA GAON, MALOW ALI, JORHAT, PS JORHAT, DISTRICT JORHAT ASSAM

2: SRI SHIV KUMAR SAHU
SON OF LATE GOLAP PRASAD SAHU
RO VILL RAJOTIA GAON
MALOW ALI
JORHAT
PS JORHAT
DISTRICT JORHAT ASSAM

3: SRI RADHESHYAM SAHU
SON OF LATE GOLAP PRASAD SAHU. RO VILL RAJOTIA GAON
MALOW ALI
JORHAT
PS JORHAT
DISTRICT JORHAT ASSAM

4: SRI PANCHAM SAHU
SON OF LATE GOLAP PRASAD SAHU
RO VILL RAJOTIA GAON
MALOW ALI
JORHAT
PS JORHAT
DISTRICT JORHAT ASSA

VERSUS

ON THE DEATH OF ASHOK GUPTA HIS LEGAL HEIR SMT KABITA GUPTA WIFE OF LATE ASHOK GUPTA , RESIDENT OF MALOW ALI BYE PASS, NEAR BHARAT GAS AGENCY, PO JORHAT 1, PS JORHAT, DISTRICT JORHAT, ASSAM, PIN 785001

1.1.2:SMT RIDHI GUPTA
DO LATE ASHOK GUPTA
RESIDENT OF MALOW ALI BYE PASS
NEAR BHARAT GAS AGENCY
PO JORHAT 1
PS JORHAT
DISTRICT JORHAT
ASSAM
PIN 785001

1.2:SRI RAJ KUMAR GUPTA
SO LATE SATDEO GUPTA
RESIDENT OF TARAJAN PATH
TARAJAN
JORHAT
PO JORHAT 1
PS JORHAT
DISTRICT JORHAT
ASSAM
PIN 785001

1.3:SRI PRADIP GUPTA
SO LATE SATDEO GUPTA
RESIDENT OF TARAJAN CREMATION GROUND
SHAMSHAN ROAD
TARAJAN
JORHAT
PO JORHAT 1
PS JORHAT
DISTRICT JORHAT
ASSAM
PIN 785001

1.4:SRI DILIP GUPTA ALIAS PAPU
SO LATE SATDEO GUPTA
RESIDENT OF TARAJAN CREMATION GROUND
SHAMSHAN ROAD
TARAJAN
JORHAT
PO JORHAT 1
PS JORHAT
DISTRICT JORHAT
ASSAM
PIN 785001

2.1:SMTI SARASWATI DEVI ALIAS BABANA DEVI
RO R B ROAD

TARAJAN
JORHAT
NEAR CRYSTAL
DISTRICT JORHAT
ASSAM
PIN 785001

2.2:SRI MANAB SAHU ALIAS RAJ KUMAR SAHU
CO SRI PRABHAT PHUKAN RESIDENT OF TARUN RAM PHUKAN PATH
TARAJAN
JORHAT
PO JORHAT 1
PS JORHAT
DISTRICT JORHAT
ASSAM
PIN 785001.

2.3:SRI RAMESH SAHU
CO SRI PRABHAT PHUKAN RESIDENT OF TARUN RAM PHUKAN PATH
TARAJAN
JORHAT
PO JORHAT 1
PS JORHAT
DISTRICT JORHAT
ASSAM
PIN 785001.

2.4:SMTI PUSPA DEVI ALIAS PUSPA SAHU MEDHI
RO RB ROAD
TARAJAN
JORHAT
NEAR CRYSTAL
DISTRICT JORHAT
ASSAM
PIN 785001

3:SRI LAXMI NARAYAN SAHU
SO LATE RAM NARAYAN SAHU RESIDENT OF MALOW ALI PIPE LINE
NEAR SANKAR SANGHA NAMGHAR
PO JORHAT 1
DISTRICT JORHAT
ASSAM
PIN 785001

4:SMT KAMALA SAHU
DO LATE RAM NARAYAN SAHU RESIDENT OF BISHNU STORE
GAR ALI

NEAR ELEE CINEMA HALL
JORHAT PO JORHAT 1
DISTRICT JORHAT
ASSAM
PIN 785001

5.1:SRI TARAKESWAR SAHU
RO TARAJAN CREMATION GROUND
SAMSHAN ROAD
PO JORHAT 1
PS JORHAT
DISTRICT JORHAT ASSAM PIN 785001

5.2:SRI BHIM SAHU
RO TARAJAN CREMATION GROUND
SAMSHAN ROAD
PO JORHAT 1
PS JORHAT
DISTRICT JORHAT ASSAM PIN 785001

5.3:SRI RAJ KUMAR SAHU
RO TARAJAN CREMATION GROUND
SAMSHAN ROAD
PO JORHAT 1
PS JORHAT
DISTRICT JORHAT ASSAM PIN 785001

5.4:SMT RAMAWATI SAHU
DO LATE BALAWATI SAHU CO RAGHUNATH SAHU
RESIDENT OF VILLAGE DOOMAR DALANG
MORAN
PO DOOMAR DALANG
DISTRICT SIVASAGAR
ASSAM
PIN 786613

6:SMTI LILAWATI SAHU
CO SRI DIPAK SAHU RESIDENT OF MATHURAJ NEAR ELEE CINEMA HALL
GAR ALI
JORHAT
PO JORHAT 1
PS JORHAT
DISTRICT JORHAT
ASSAM
PIN 78500

Advocate for the Petitioner : MR. D K KOTOKY,

Advocate for the Respondent : MR N BARUAH,

In
RSA Case No. 199/2005
With
RSA Case No. 199/2005

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

14.10.2026

1. Heard Mr. D.K. Kotoky, the learned counsel for the applicants.

2. This interlocutory application has been filed under Order 22 Rule 4 of the Code of Civil Procedure, 1908 by the applicants/appellants in connection with Regular Second Appeal No. 199 / 2005, praying for substitution of the legal heirs of deceased respondent No. 1 (i), namely, Late Ashok Gupta, who expired on 28th April, 2026.

3. The learned counsel for the applicants submits that the present applicants/appellants came to know about death of the respondent No.1 (i) only on 12.05.2026, and thereafter, this application for substituting the legal heirs of the deceased party has been filed.

4. He further submits that the application for substitution has been filed within the period of limitation.

5. The learned counsel for the applicants has submitted that the respondent Ashok Gupta died living behind his wife, Smt. Kabita Gupta and daughter Smt. Ridhi Gupta as his legal heirs and same are required to be substituted in his place.

6. I have gone through the materials available on record and have

considered the submissions made by learned counsel for the applicants.

7. It appears that this interlocutory application has been filed within the prescribed period of limitation provided for filing the application for substituting the legal heirs.

8. As such, the prayer is allowed.

9. The applicants are allowed to substitute Smt. Kabita Gupta and Smt. Ridhi Gupta as respondent No. 1 (i) (a) and respondent No. 1 (i)(b) respectively in the memo of appeal.

10. The applicants shall submit the corrected cause title of the memo of appeal in the connected RSA No. 199 / 2005, before the next date fixed.

11. This interlocutory application is, accordingly, disposed of.

12. List the connected Regular Second Appeal after Puja Vacation.

JUDGE

Comparing Assistant