

GAHC010297492019



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

Case No. : I.A.(Civil) 4111/2019

1:KRISHNA BORTHAKUR AND ANR
W/O LATE KAMAKHYA BORTHAKUR, R/O BUDDHA TEMPLE ROAD,
DULIAJAN, DIBRUGARH, ASSAM, PIN 786602

2: SUMAN GARGO
S/O LATE KAMAKHYA BORTHAKUR
R/O BUDDHA TEMPLE ROAD
DULIAJAN
DIBRUGARH
ASSAM
PIN 78660

VERSUS

1:THE STATE OF ASSAM AND ANR
THROUGH THE COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM
SECRETARIAT, DISPUR, GUWAHATI 781006

2:THE DIST. TRANSPORT OFFICER
DIST. TRANSPORT OFFICE
A.T. ROAD
PHOOL BAGAN
P.O. AND DIST. DIBRUGARH
PIN 786001
ASSAM

Advocate for the Petitioner : MR. S DUTTA

Advocate for the Respondent : MR. Y DOLOI

Linked Case : WP(C) 5764/2017

1:M/S. GARGO MOTORS and ANR.
A PROPRIETORSHIP FIRM HAVING ITS PRIMARY PLACE OF BUSINESS AT
BUDDHA TEMPLE ROAD
DULIAJAN
DIBRUGARH
ASSAM
PIN-786602 BEING REP. BY ITS PROPRIETOR KAMAKHYA BORTHAKUR

2: SHRI KAMAKHYA BORTHAKUR
S/O LATE G N BORTHAKUR
A RESIDENT OF BUDDHA TEMPLE ROAD
DULIAJAN
DIBRUGARH
ASSAM
PIN-786602
VERSUS

1:THE STATE OF ASSAM and ANR.
THROUGH THE COMMISSIONER AND SECRETARY TO THE GOVT. OF
ASSAM
TRANSPORT DEPTT.
ASSAM SECRETARIAT
DISPUR
GUWAHATI-781006

2:THE DISTRICT TRANSPORT OFFICER
DISTRICT TRANSPORT OFFICE
A.T. ROAD
PHOOL BAGAN
PO and DIST. DIBRUGARH
PIN-786001
ASSAM

Advocate for the Petitioner : MS.I DAS
Advocate for the Respondent : SC
TRANSPORT DEPT.

BEFORE

THE HON'BLE MR. JUSTICE PRASANTA KUMAR DEKA

31.01.2020

Heard Mr. S Dutta, learned counsel for the petitioners.

The present petitioners are the legal heirs of Late Kamakhya Borthakur who died on 24.12.2018. Late Kamakhya Borthakur as proprietor of M/s Gargo Motors preferred the connected WP(C) No. 5764/2017. On his death the right to sue by the petitioners as legal heirs survive. Accordingly, the petitioners are before this court for their substitution in place of the proprietor Late Kamakhya Borthakur as the right to sue survive and upon hearing the learned counsel for the petitioners, this petition is allowed thereby substituting Late Kamakhya Borthakur, the petitioner No. 2 in WP(C) 5764/2017 by his legal heirs namely Smt. Krishna Borthakur and Sri Suman Gargo both residents of Buddha Temple Road, Duliajan, Dibrugarh, Assam.

This petition stands disposed of accordingly.

JUDGE

Comparing Assistant