

GAHC010007572013



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

Case No. : RSA/122/2013

SARU KUMAR and 9 ORS.

2: SMT. KALI KUMAR
BOTH W/O LATE PADMA RAM KUMAR

3: SHIVA KUMAR

4: UMESH KUMAR

5: SADANANDA KUMAR

6: DIPAK KUMAR

APPELLANT NOS 3 TO 6 ARE THE OF LATE PADMA RAM KUMAR
APPELLANT NOS 1 TO 6 ARE THE RESIDENT OF BORIPARA MALIGAON
P.O. and P.S. JALUKBARI
DIST. KAMRUP
GHY-781012

7: SMT. KADAMI KUMAR

W/O SRI RAM KUMAR
VILL. RAJAPUKHURI
P.O. RAJAPUKHURI
DIST. KAMRUP
PIN 781132

8: SMT. KANTI KUMAR

W/O SRI NIRANJAN KUMAR
VILL. PALASHBARI
P.O. PALASHBARI
DIST. KAMRUP
PIN 781128

9: SMT. BIMALA KUMAR

W/O SRI SUSIL KUMAR
VILL. BONGRA
P.O. BONGRA
DIST. KAMRUP
PIN 781015

10: SMT. REENA KALITA

W/O SRI RAMEN KALITA
VILL.RAMPUR
P.O. RAMPUR
DIST.KAMRUP
PIN 781132 APPELLANT NOS 7 TO 9 ARE TEH DAUGHTERS OF LATE
PADMA RAM KUMAR

VERSUS

PADMA NATH SARMA and 65 ORS.
S/O LATE BHUPENDRA SARMA

2:SMT. ALAKA DEVI

W/O LATE UMESH SARMA

3:JAGAT KANTA SARMA

S/O BARADA KANTA SARMAH

4:BHAGAT CHANDRA SARMAH

S/O LATE GIRISH CHANDRA SARMAH

5:MONOJ KANTA SARMAH

S/O LATE BIRAJA KANTA SARMAH

6:BHOLA NATH SARMAH

S/O LATE INDRA NATH SARMAH.

7:RABINDRA NATH SARMAH

S/O LATE JITEND NATH SARMAH

8:BARENDRA NATH SARMAH

S/O LATE NARENDRA NATH SARMAH

9:HARISH SARMAH

S/O LATE BHUPENDRA NATH SARMAH

10:PRANA NATH SARMAH

S/O LATE PADMA NATH SARMAH

11:SAMIR PRASAD SARMAH

S/O BHABANI SARMAH

12:PRANAY SARMAH

S/O LATE BIRAJA KANTA SARMAH

13:JYOTIRMOY SARMAH

S/O LATE BIRJA KANTA SARMAH

14:SMTI BINA DEVI

W/O DASARATH SARMAH.

15:SMTI HIRA DEBI

W/O LATE SUSHIL SARMAH

16:NILOTMOY SARMAH

S/O LATE SUSHIL SARMAH

17:TARINI KANTA SARMAH

S/O LATE HEM SARMAH

18:JAGADISH CH. SARMAH

S/O LATE PARESH CHANDRA SARMAH

19:SMT. NIRADA DEBI

W/O LATE PARESH CH. SARMAH

20: MEDINI KANTA SARMAH

S/O LATE BHANABI SARMAH

21: KAHITISH CH. SARMAH

S/O LATE ANATH CH. SARMAH

22: NAYAN SARMAH

S/O LATE ANATH CH. SARMAH

23: JITENDRA NATH SARMAH

S/O LATE PRAFULLA SARMAH

24: SMTI BAJULI DEVI

W/O LATE JANAKI PRASAD SARMAH

25: AMAL PRASAD SARMAH

S/O JANAKI PRASAD SARMAH

26: SUKHEN SARMAH

S/O LATE SAILENDRA PRASAD SARMAH

27: SMTI ALAKA DEBI

W/O LATE NIRMAL KANTA SARMAH

28: HIREN SARMAH

W/O LATE NIRMAL KANTA SARMAH

29: SANKAR PRASAD SARMAH

S/O LATE KANGULI PRASAD SARMAH

30: SMTI ANIMA DEBI

W/O LATE LALANA PRASAD SARMAH

31: SMTI NIRO DEBI

W/O LATE LALANA PRASAD SARMAH.

32: SAMIR KANTA SARMAH

S/O LATE BHABANI SARMAH

33: BHABESH SARMAH

S/O LATE SATISH SARMAH

34: ATAL SARMAH

S/O LATE SATISH SARMAH.

35: SMTI GOURI DEBI

W/O LATE SATISH SARMAH.

36: REBATI PRASAD SARMAH

S/O LATE KARUNA PRASAD SARMAH

37: RAJENDRA PRASAD SARMAH

S/O LATE UMA PRASAD SARMAH

38: BASANTA KR. SARMAH

S/O LATE PRIYA NATH SARMAH

39: SUDHIR PRASAD SARMAH

S/O LATE RADHIKA PRASAD SARMAH

40: JANAKI PRASAD SARMAH

S/O LATE RAM PRASAD SARMAH

41: JAGADISH PRASAD SARMAH

S/O LATE RAM PRASAD SARMAH

42: SMTI DIPIKA DEBI

W/O LATE PASUPATI SARMAH

43:PARAMESH SARMAH

S/O LATE DINESH SARMAH

44:PRATAK CH. SARMAH

S/O LATE HARIDAS SARMAH

45:MOHINI KANTA SARMAH

S/O BHABNI SARMAH

46:GIRIJA KANTA SARMAH

S/O LATE BARADA KANTA SARMAH

47:BORODA PRASAD SARMAH

S/O LATE SIBA PASAD SARMAH

48:MOJOJ KANTA SARMAH

S/O LATE NILAKANTA SARMAH

49:BHUPATI KANTA SARMAH

S/O LATE ABANI SARMAH

50:KHIROD PRASAD SARMAH

S/O LATE DEBENDRA PRASAD SARMAH.

51:PARIMAL PRASAD SARMAH

S/O LATE PURNENDU SARMAH

52:ASHNIN PRASAD SARMAH

S/O LATE PURNENDU SARMAH

53:UTPAL PRASAD SARMAH

S/O LATE PURNENDU SARMAH

54:SMTI BUABANI DEBI

W/O LATE PURNENDU PRASAD SARMAH

55:LAKHI PRASAD SARMAH

S/O DHIRLOCHAN SARMAH

56:JAWALA PRASAD SARMA

S/O LATE KAMAKHYA PRASAD SARMA

57:DILIP SARMA

S/O HARI PRASAD SARMA

58:PRAKASH CH. SARMA

S/OLATE RAJ CHANDRA SARMA

59:SRI DHIRENDRA NATH SARMA

S/O LATE PRIYA NATH SARMA
CONSTITUENT ATTORNEY OF THE PLAINTIFFS

60:PRABHAT CHANDRA SARMA

S/O LATE NABIN SARMA

61:PHANIDHAR NATH SARMA

S/OLATE DURGA NATH SARMA

62:SACHIN KANTA SARMA

S/O LATE KAMINI KANTA SARMA

63:JITENDRA NATH SARMA
S/OLATE PRAFULLA SARMA

64:TARA PRASAD SARMA

S/O LATE AMBIKA PRASAD SARMA
CONSTITUENT ATTORNEY OF THE PLAINTIFFS.

65:PHANINDRA NATH SARMA

S/O LATE SITA NATH SARMA

66:SOUMITRA PRASAD SARMA

S/O LATE LANA PRASAD SARMA RESPONDENT NO. 1 TO 66 ARE THE

RESIDENT OF KAMAKHYA DAM
P.O.KAMAKHYA
DIST. KAMRUP M
PIN 78101

Advocate for the Petitioner : MR.P KHATANIAR, MR. R SARMAH,MR. U B SARMA,MR. R SARMAH,MS.P S TALUKDER(A-6),MR. B PEGU

Advocate for the Respondent : MR.N DAS, ,MR.P K KALITA,MR.G J SAIKIA

Linked Case : I.A.(Civil)/3343/2017

SARU KUMAR and 9 ORS.

VERSUS

ON THE DEATH OF JYOTIRMOY SARMAH HIS LEGAL REPRESENTATIVE
MANOJ SARMAH and ORS

Advocate for : MR. P KHATANIAR

Advocate for : MR. P K KALITA appearing for ON THE DEATH OF JYOTIRMOY
SARMAH HIS LEGAL REPRESENTATIVE MANOJ SARMAH and ORS

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 18.12.2024

Heard Mr. U.B. Sarma, learned counsel for the applicants. Also heard Mr. P.K. Kalita, learned Senior counsel assisted by Mr. K. Talukdar, learned counsel for all the respondents.

In view of the order dated 08.11.2024 passed in MC/39/2024, the RSA/122/2013 was restored to file. Though there was no any specific order for restoration of interlocutory application, however, as the RSA 122/2013 was restored to file, this I/A(civil)/3343/2017 is also restored.

This is an application under Section 5 of Limitation Act, 1963 for condonation of delay of 1123 days in filling the substitution of respondent Nos. 13, 29, 36 and 57 and setting aside abatement.

Mr. Sarma, learned counsel for the applicants submits that the delay occurred in filing this petition is not intentional. He further submits that detailed ground of delay has been explained in the petition. Under such backdrop, the learned counsel for the applicants has prayed that the delay in regard to the filling of the connected petition may be condoned.

Mr. Kalita, learned Senior counsel has no objection if the delay is condoned.

I have considered the submissions made by the learned counsel for the parties.

The delay has been satisfactorily explained by the applicants and also the learned Senior counsel for the respondents did not raise any objection regarding the prayer of the applicants.

Considering all, the delay of 1123 days is condoned. The Registry is directed to register the connected two interlocutory applications along with RSA 122/2013 and list it in order column.

In view of the above, the I/A stands disposed of.

JUDGE

Comparing Assistant