

GAHC010062642023



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

Case No. : I.A.(Civil)/893/2023

XXXXXXXXX
W/O NUPUR CHANDRA BHUYAN,
D/O JAY CHAN KALITA,
R/O HOUSE NO. 35, BY LANE ASOMI PATH, GHORAMARA CHANDAN
NAGAR, P.O.- HATIGAON, GUWAHATI, UNDER HATIGAON POLICE
STATION, IN THE DISTRICT OF KAMRUP (METRO), ASSAM.

VERSUS

XXXXXXXXX
S/O UTTAM CHANDRA BHUYAN,
PERMANENT R/O HOUSE NO. 33, RASARAJ PATH NO. 2 BASISTHAPUR
PATH, WIRELESS POLICE STATION, P.O.- HATIGAON, BELTOLA,
GUWAHATI- 781028 IN THE DISTRICT OF KAMRUP (METRO), ASSAM.

Advocate for the Petitioner : MR P KATAKI

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 25-08-2023
(K.R. Surana, J)

Heard Mr. P Kataki, learned counsel for the applicant and Mr. A Lal, learned counsel for the opposite party.

2 This interlocutory application has been filed under Section 5 of the

Limitation Act for condoning the delay of 36 days beyond the period of limitation in filing the connected appeal.

3. The learned counsel for the applicant has submitted that the applicant did not get an appropriate advice to file the appeal and only on engaging a new set of counsel, the applicant was advised to challenge the impugned judgment and in the process, delay had occurred.

4. The learned counsel for the opposite party opposes the application.

5. Considering the nature of explanation tendered by the applicant and on considering that this is a matrimonial dispute between the parties, Court is inclined to allow the application and condone the delay of 36 days beyond the period of limitation in filing the connected appeal.

6. Interlocutory application stands disposed of.

7. The Registry shall now register the connected appeal and list the same in the admission column on 25.09.2023.

8. The pending registration of the connected appeal and listing of the same in the admission column, Court is of the considered opinion that this being a matrimonial dispute, it would be appropriate that both the parties shall make an endeavor to have the dispute between them settled in mediation process to be undertaken at the Gauhati High Court Mediation Centre.

9. The learned counsel for the opposite party has submitted that the opposite party is posted at Chirang and therefore, he would consult the opposite party as well as talk to the learned counsel for the applicant and agree to a date for mediation before the Gauhati High Court Mediation Centre by informing the concerned Registry officials. The learned counsels for both sides have agreed to make an endeavor to settle the dispute between the parties in the mediation.

10. Accordingly, the Gauhati High Court Mediation Centre, on receipt of information from the learned counsels for the parties, fix a date and time for mediation by appointing a learned trained mediator to mediate the dispute between the parties.
11. The learned counsel for the parties shall send a downloaded copy of this order to the parties, which will constitute due notice of mediation without requiring any fresh letter of notices to be served on them for mediation.
12. Let a copy of this order be sent to the Gauhati High Court Mediation Centre for information.

JUDGE

JUDGE

Comparing Assistant