

GAHC030001802023



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

**Case No. : RFA/9/2023**

Smt. Vanlalzawni and Anr.  
D/o C. Rangthanga (L)  
R/o Khatla South  
Aizawl

2: Smt. Lalnghaksangi  
D/o C. Rangthanga (L)  
R/o Kulikawn  
Aizawl  
VERSUS

Sh. Lalthakima  
S/o C. Rangthanga (L)  
R/o Kulikawn  
Aizawl

Advocate for the Petitioner : Mr A.R. Malhotra  
Advocate for the Respondent :

**ORDER**

**BEFORE**  
**HONOURABLE MR. JUSTICE NELSON SAILO**

**18.07.2023**

In view of the order passed today in I.A (Civil) No. 40/2023, the appeal is taken up for consideration.

**[2.]** Heard Mr. C. Tlanthianghlina, learned counsel for the appellants, who submits that by filing this appeal, the appellants has challenged the order dated 29.11.2022 passed by the learned Senior Civil Judge - III, Aizawl in Heirship Certificate Application No. 1915/2022 by which Heirship Certificate was granted to the respondent in respect of a landed property covered by LSC No. 434/1984 located at Kulikawn, which was left behind by the deceased Sh. C. Rangthanga, who passed away on 12.03.2022. The learned counsel submits that the respondent is the son of the deceased while the appellants are the daughters of the deceased. He submits that without the knowledge and consent of the appellants, the respondent submitted an application for Heirship Certificate before the learned Trial Court concerned on 25.11.2022 and the learned Trial Court without issuing any notice or without directing any publication of a notice in the local newspaper, allowed the Heirship Certificate Application vide order dated 29.11.2022. Consequently, Heirship Certificate in respect of the property in question was issued to the respondent. He therefore submits that the impugned order dated 29.11.2022 having been passed in violation of the principles of natural justice, the same should be set aside.

**[3.]** It is seen that against the notice issued by this Court in the application for condoning the delay in filing the instant appeal, the respondent despite receipt of the notice failed to appear before the Court either personally or through a counsel

and therefore, Court is of the considered view that further issuance of notice in the present appeal will not be necessary. Furthermore, from a perusal of the materials available on record, the admitted position is that Heirship Certificate Application of the respondent was granted by the learned Court below without hearing any objection from any corner including the present appellants and therefore, in the considered view of this Court, the same violates the principles of natural justice and cannot be sustained.

**[4.]** In view of above, the impugned order dated 29.11.2022 passed in Heirship Certificate Application No. 1915/2022 by the Court of Senior Civil Judge - III, Aizawl is hereby set aside. Needless to say that the consequential Heirship Certificate issued to the respondent also stands interfered with. The matter now stands remanded back to the learned Senior Civil Judge - III, Aizawl for reconsidering the Heirship Certificate Application by hearing all interested parties more particularly, the present appellants before granting Heirship Certificate to any of the parties in respect of the property covered by LSC No. 434/1984 located at Kulikawn, Aizawl. The appellants shall appear before the learned Court below on 25.07.2023 along with their written objection or counter claim, if any. Since the respondent is not present before the Court today, in the event the respondent is not present on that day, the learned Trial Court shall issue notice to enable the respondent pursue the Heirship Certificate Application submitted by him.

**[5.]** With the above observations and directions, the appeal stands disposed of.

**JUDGE**

**Comparing Assistant**