

GAHC030002072023



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

Case No. : I.A.(Civil)/46/2023

Union of India and 4 Ors.
r/b the General Manager (Construction), Maligaon, Guwahati - 781012

VERSUS

Smt Lalthansangi Sailo and 4 Ors.
D/o Lalhmingthanga Sailo, Khatla, Aizawl

Advocate for the Petitioner : Mr. Sanjay Kumar Medhi

Advocate for the Respondent : Mrs. H Lalmalsawmi, Addl. AG/GA for R3 - 5

Linked Case : WA/2/2023

Union of India and 4 Ors.
r/b the General Manager (Construction)
Maligaon
Guwahati-781012

2: The Financial Advoser and Chief Account Officer
N.F. Railway
Maligaon
Guwahati-781012

3: The Chief Engineer (Construction)
N.F. Railway
Maligaon
Guwahati --781012

4: The Deputy Chief Engineer/CON/Land A

N.F. Railway
Maligaon
Guwahati-781012

5: The Deputy Chief Engineer (CON)
N.F.Railway
Bawngkawn
Aizawl
Mizoram
VERSUS

Lalthansangi Sailo and 4 Ors.
D/o Lalhmingthanga Sailo
Khatla
Aizawl

2:Samuel Lalzarmawia
S/o Vanlallawma
ITI Veng
Aizawl

3:The District Collector
Aizawl District
Aizawl

4:State of Mizoram
r/b Chief Secretary to the Govt. of Mizoram
Aizawl

5:The Secretary to the Govt. of Mizoram
Land Revenue and Settlement Dept.
Aizawl
Mizoram

Advocate for the Petitioner : Mr. Sanjay Kumar Medhi
Advocate for the Respondent : Mrs. H Lalmalsawmi

Linked Case : I.A.(Civil)/47/2023

Union of India and 4 Ors.
r/b the General Manager (Construction)
Maligaon
Guwahati-781012

VERSUS

Smt Lalthansangi Sailo and 4 Ors.
D/o Lalhmingthanga Sailo
Khatla
Aizawl
Mizoram

Advocate for the Petitioner : Mr. Sanjay Kumar Medhi
Advocate for the Respondent : Mrs. H Lalmalsawmi

B E F O R E
HON'BLE THE CHIEF JUSTICE SANDEEP MEHTA
HON'BLE MR. JUSTICE M. ZOTHANKHUMA

13th June, 2023

(Tuesday)

(Justice Michael Zothankhuma)

Heard Mr. S.K. Medhi, learned CGC, who submits that there is a delay of 130 days in filing the appeal against the Judgment and Order dated 15.11.2022, passed in WP(C) No. 119/2021. He submits that the delay in filing the appeal has been occasioned due to the time taken for taking a decision, with regard to whether the payment of compensation should be made or as to whether an appeal should be filed against the judgment of the learned Single Judge. He submits that the delay in filing the appeal was due to the movement of files/records between the various offices of the appellants and their counsels based in Aizawl and Guwahati. He also submits that the delay was not intentional and was beyond the control of the applicants. He submits that though the application had initially been made for condoning the delay of 100 days in filing the appeal, the same has been corrected to 130 days. He accordingly submits that the delay of 130 days should be condoned due to the above

reasons.

On the other hand, Mr. Lalchhanliana Khiangte, learned counsel for the respondent Nos. 1 and 2, objects to the delay being condoned on the ground that there has been no day-to-day explanation made for the delay. As such, the delay application should be rejected.

On considering the submissions made by the counsels for the parties and keeping in view the grounds mentioned in paragraphs 14 to 18 of the application giving the reasons for the delay, we are of the view that sufficient cause for the delay has been made out. Accordingly, the delay of 130 days is condoned.

IA is accordingly disposed of.

JUDGE

CHIEF JUSTICE

Comparing Assistant