

GAHC030004092022



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

Case No. : I.A.(Civil)/145/2022

Mara Autonomous District Council, Siaha r/b its Executive Secretary and 2 Ors.
Siaha 2: Revenue Officer
Land and Revenue Department
Mara Autonomous District Council

3: Executive member Land and Revenue Department
Mara Autonomous District Council

VERSUS

T Samuela and 7 Ors.
Meisiatla, Siaha District 2:President
Town Village Council
Siaha District
Siaha

3:President
Mara Thyutlia Py Headquarter Council Vaih

4:President
Siaha District Football Association

5:State of Mizoram through its Chief Secretary
Govt. of Mizoram

6:Executive Engineer
Urban Development and Poverty Alleviation Department

7:F. Lalmuanpuia

8:Great Sport Infra Private Limited 10

Advocate for the Petitioner : Mr Saurabh Pradhan

Advocate for the Respondent :

Linked Case : RFA/34/2022

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Siaha r/b its Executive Secretary and 2 Ors
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Govt. of Mizoram
Aizawl

6:Executive Engineer
Urban Development and Poverty Alleviation Department
Aizawl

7:F. Lalmuanpuia
Siahatla
Siaha District

Advocate for the Petitioner : Mr Saurabh Pradhan
Advocate for the Respondent :

B E F O R E
HON'BLE MRS. JUSTICE MARLI VANKUNG
O R D E R

23.01.2023
(Monday)

Mr. Saurabh Pradhan, learned counsel for the appellants/applicants is present alongwith Ms. Caroline K. Lungawipuii appearing on behalf of respondent No.1 who submits that she may be granted further time to file her vakalatnama.

Mrs. H. Lalmalsawmi, learned counsel for respondent Nos. 5 & 6 is present.

Mr. Saurabh Pradhan, learned counsel for the applicant/appellant submits that the I.A. for condonation of delay of 81 days in filing this appeal against the Judgment & Order dated 21.03.2022 passed by the learned Senior Civil Judge, Siaha District, Siaha is with regards to the Order of the learned Civil Judge, where the defendant Nos.1-3/appellant Nos. 1-3 are held liable for the damage caused to a portion of the

plaintiff/respondent No.1's land covered under land pass bearing No.MLR/R/MST 346 of 03.10.2016 due to the construction of a Football Play Ground and its approached road at Meisatla, Siaha District, Siaha and are to pay a compensation amounting to Rs. Five lakhs to the plaintiff/respondent No.1.

Aggrieved by this order, the appellant had preferred an appeal where his case is that, the said amount of Rs. 5,00,000/- (Rupees Five lakhs) only should also to be equally borne by the defendant Nos. 7 & 8/respondent Nos. 5 & 6. The delay in filing the appeal was caused due to conflicting advice on whether to approach the District Judge or not in appeal.

Mrs. H. Lalmalsawmi, learned counsel for the respondent Nos. 5 & 6 submits that the amount in question in this appeal, is only Rs.5,00,000/- (Rupees Five lakhs) only and the appropriate forum for appeal appears to be the Court of the District Judge.

Having considered the submissions of both the parties, this Court finds that since the subject matter in appeal is with regards to an amount involving of Rs.5,00,000/- (Rupees Five Lakhs) only to be paid to the respondent No.1, which according to the appellant should be equally borne by the appellants and respondent Nos.5 & 6, the appeal should be filed before the District Judge, Siaha who is having the appropriate jurisdiction to consider appeal upto the amount of Rs.10,00,000/- (Rupees ten lakhs) as per the Mizoram Civil Courts (Amendment) Act, 2021.

In view of the above, as prayed for by the learned counsel for the

applicant/appellant, the I.A. (Civil) No. 145 of 2022 alongwith RFA No. 34/2022 is allowed to be withdrawn with a permission to file afresh before the appropriate forum, if so advised.

I.A. (Civil) No. 145 of 2022 with RFA No.34/2022 accordingly stands disposed.

JUDGE

Comparing Assistant