

GAHC040009752022



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

Case No. : IA(C)/169/2022

Omang Jerang
Wife of Sri Tabi Jerang,
Mirbuk Village, PO and PS Pasighat, East Siang District, Arunachal Pradesh.

VERSUS

Ozing Dai and Anr.
On the death of Late Matin Dai His Legal Heirs,
C Sector Colony Road, Adjacent to Hotel Donyi Polo Ashoka, Itanagar, PO and PS
Itanagar, District Papumpare, Arunachal Pradesh. 2:Otem Dai
Age: 0
Occupation

Advocate for the Petitioner : Ojing Pada

Advocate for the Respondent : Orin Modi

Linked Case : RFA/7/2017

SMTI. OMANG JERANG
Age: 0
Occupation :
Address:W/O SRI TABI JERANG
MIRBUK VILLAGE
PO/PS PASIGHAT
DIST. EAST SIANG
AP.

VERSUS

SRI MATIN DAI

Age: 0

Occupation :

Address:S/O LT. JOLONG DAI

C SECTOR COLONY ROAD

AJECENT TO HOTEL DONYI POLO ASHOKA

ITANAGAR

PO/PS ITANAGAR

DIST. PAPUM PARE

AP.

Advocate for : M Mohonto

Advocate for : Orin Modi appearing for SRI MATIN DAI: Advocate appearing for respectively.

BEFORE
HONBLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 13.02.2024

Heard Mr. O. Pada, learned counsel for the applicant. Also heard Mr. O. Modi, learned counsel for the respondent.

The present application has been filed under Section 5 of the Limitation Act, 1963 for condonation of delay of 834 days in preferring the application under Order 22 Rule 3 of CPC, 1908, seeking substitution of the respondent and an application under the provisions of Order 22 Rule 9(2), CPC praying for setting aside the abatement of the appeal.

Mr. Pada, learned counsel for the applicant submits that he has no knowledge regarding the death of the respondent for which the delay occurred in filing the connected appeal which is not intentional. He further submits that detailed ground of delay has been explained in the petition.

Mr. Modi, learned counsel for the respondent has no objection if the prayer of the applicant is allowed.

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

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

Considering all, the delay of 834 days for substitution of legal heirs in respect of sole respondent, is hereby condoned.

With the above observation, I/A stands disposed of.

JUDGE

Comparing Assistant