

GAHC040010482024



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

Case No. : IA(C)/132/2024

Yaagam Bogo
Son of Late Tumya Bogo, permanent resident of Dego Kamki village, PO and PS
Kamba, West Siang District, Arunachal Pradesh

VERSUS

Desso Bogo
Son of Late Dedek Bogo, permanent resident of Bogo village, Darak Circle, PO and
PS Kamba, West Siang District, Arunachal Pradesh

Advocate for the Petitioner : D. Tamuk

Advocate for the Respondent : Tabit Tapak

BEFORE
HONBLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 19.08.2024

Heard Ms. D. Tamuk, learned counsel for the applicant. Also heard
Mr. T. Tapak, learned counsel for the respondent.

2. This application under Section 5 of the Limitation Act, 1963, has been
filed by the applicant for condoning the delay of 488 days in filing the

connected interlocutory application for substituting the legal heir of the original in the SAO(C) No. 01(AP)/2020.

3. Ms. Tamuk, learned counsel for the applicant has submitted that the applicant was prevented from approaching this Court within the period of limitation for the reasons mentioned in paragraph Nos. 4 & 5 of the condonation of delay application.

4. Mr T. Tapak, learned counsel for the respondent has not objected to the prayer for condoning the delay.

5. In view of the above, considering the submissions made by the learned counsel for the parties as well as reasons mentioned in paragraph Nos. 4 & 5 of the condonation of delay application, this Court is of considered opinion that the applicant have sufficiently explained the delay caused in preferring the substitution petition by the applicant. Hence, this application is allowed and the delay of 488 days for preferring the substitution application by the applicant is hereby condoned.

6. With the above observation, this interlocutory application is accordingly disposed of.

JUDGE