

GAHC010032852023



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

Case No. : I.A.(Civil)/781/2023

REKHA RANI CHAKRABORTY @ REKHA CHAKRABORTY
W/O LATE JATINDRA CHANDRA CHAKRABORTY, RESIDENT OF A.O.C
ROAD, BACK SIDE OF DEBODOT FURNITURE, PO SRIPURIA, PS AND DIST
TINSUKIA, ASSAM 786125

VERSUS

MOTIULLAH AND 7 ORS.
S/O LATE MD.SANUALLAH, RESIDENT OF STATION ROAD, PO, PS AND
DIST TINSUKIA, ASSAM 786125

2:MD. AMANULLAH
S/O LATE MD.SANUALLAH
RESIDENT OF STATION ROAD
PO
PS AND DIST TINSUKIA
ASSAM 786125

3:MD. AZIZULLAH
S/O LATE MD.SANUALLAH
RESIDENT OF STATION ROAD
PO
PS AND DIST TINSUKIA
ASSAM 786125

4:SAJDA HASAN
W/O LATE MD.SAHADULLAH
RESIDENT OF STATION ROAD
PO
PS AND DIST TINSUKIA
ASSAM 786125

5:SMTI SAZIA FATIMA
D/O LATE MD.SAHADULLAH
RESIDENT OF STATION ROAD
PO
PS AND DIST TINSUKIA
ASSAM 786125

6:MISS SARA FATIMA
D/O LATE MD.SAHADULLAH
RESIDENT OF STATION ROAD
PO
PS AND DIST TINSUKIA
ASSAM 786125

7:MD. JAVED
S/O LATE MD.SANAULLAH
RESIDENT OF STATION ROAD
PO
PS AND DIST TINSUKIA
ASSAM 786125

8:MD. JAMSED
S/O LATE MD.SANAULLAH
RESIDENT OF STATION ROAD
PO
PS AND DIST TINSUKIA
ASSAM 78612

Advocate for the Petitioner : MR. SAILENDRA DEKA

Advocate for the Respondent : MR. J DEKA (r-1)

Linked Case :

REKHA RANI CHAKRABORTY

VERSUS

MOTIULLAH AND 7 ORS. A

Advocate for the applicant(s): Mr. A Choudhury

Advocate for the respondent(s): Mr. DK Bagchi

B E F O R E
HON'BLE MR. JUSTICE DEVASHIS BARUAH

10.04.2024

This is an application under Section 5 of the Limitation Act, 1963 for condoning the delay of 77 days in preferring the accompanying second appeal against the judgment dated 24.08.2022, passed by the learned Civil Judge, Tinsukia in Title Appeal No.05/2019.

2. This Court has duly taken note of the grounds and reasons stated in the instant application and also the fact that the applicant is a widow and was suffering on account of old age ailments, for which this Court is of the opinion that the same constitute sufficient cause for condoning the delay of 77 days within the meaning of Section 5 of the Limitation Act.
3. Accordingly, the delay of 77 days stands condoned.
4. Interlocutory application is disposed of.
5. Registry is directed to register the accompanying second appeal and list the matter at the column under Order XLI Rule 11 of the CPC.

6. Before parting with the records, this Court expresses deep dissatisfaction at the present trend of the counsels to overcome the delay in filing appeals by blaming their counterparts, who are lawyers in the District Courts. This particular practice requires to be remedied, *inasmuch as*, the legal profession which is a noble profession and the counsels have a duty to maintain the nobility of the profession.

JUDGE

Comparing Assistant