

GAHC010036052024



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

**Case No. : I.A.(Civil)/639/2024**  
**In RSA No. 2080/2024**

AYNAL HOQUE AND ANR  
S/O LATE JOYNAL SK,  
RESIDENT OF VILLAGE SALMARA PART VII, PO BONDIHANA, PS  
FAKIRGANJ, DIST DHUBRI, ASSAM 7833349

2: ABDIN SK @ ABEDIN ALI  
S/O AYNAL HOQUE  
RESIDENT OF VILLAGE SALMARA PART VII  
PO BONDIHANA  
PS FAKIRGANJ  
DIST DHUBRI  
ASSAM 783334

VERSUS

SHAJAHAN ALI AND ORS  
S/O LATE ARDASH ALI,  
RESIDENT OF VILLAGE KOUNBARI, PO RANGAMATI, PS GAURIPUR, DIST  
ASSAM 783339

2:ESHA HOQUE  
S/O LATE ARDASH ALI

RESIDENT OF VILLAGE KOUNBARI  
PO RANGAMATI  
PS GAURIPUR  
DIST ASSAM 783339

3:ESOB ALI  
S/O LATE ARDASH ALI

RESIDENT OF VILLAGE KOUNBARI  
PO RANGAMATI

PS GAURIPUR  
DIST ASSAM 783339

4:JEL HOQUE  
S/O LATE ARDASH ALI

RESIDENT OF VILLAGE KOUNBARI  
PO RANGAMATI  
PS GAURIPUR  
DIST ASSAM 783339

5:ENNOS ALI  
S/O LATE ARDASH ALI

RESIDENT OF VILLAGE KOUNBARI  
PO RANGAMATI  
PS GAURIPUR  
DIST ASSAM 783339

6:MOKSHED ALI  
S/O LATE ARDASH ALI

RESIDENT OF VILLAGE KOUNBARI  
PO RANGAMATI  
PS GAURIPUR  
DIST ASSAM 783339

7:AMINA BIBI  
W/O AMJAD ALI

VILLAGE BAHIR SALMARA PART VII PO BONDIHANA  
PS FAKIRGANJ  
DIST DHUBRI  
ASSAM 783349

8:FORIDA BIBI  
W/O MANIK ALI  
RESIDENT OF VILLAGE KOUNBARI  
PO RANGAMATI  
PS GAURIPUR  
DIST ASSAM 783339

9:SHAHANARA KHATUN  
D/O LATE ARDASH ALI

RESIDENT OF VILLAGE KOUNBARI  
PO RANGAMATI  
PS GAURIPUR

DIST ASSAM 783339

10:AKRAM ALI  
S/O LATE ASIR UDDIN  
VILLAGE SALMARA PART VII  
PO BONDIHANA  
PS FAKIRGANJ  
DIST DHUBRI  
ASSAM 78334

**Advocate for the Petitioner** : MR. M U MONDAL

**Advocate for the Respondent** :

**BEFORE**  
**HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

**ORDER**

**03-06-2024**

Heard Mr. A. Alim Sk, learned counsel for the applicant, who by means of this application has prayed for condonation of delay of 884 days in preferring the connected appeal.

Office Note dated 04.05.2024 reflects that notices have been served upon the respondent nos. 1 to 10 and the said note has also been accepted by this Court in its order dated 10.05.2024. The respondents have chosen not to contest the application.

The learned counsel has drawn the attention of this Court to the averments made in paragraphs 6 & 7 and has submitted that there were sufficient reasons which had prevented the applicant to prefer the appeal within the prescribed period of limitation.

An application for condonation of delay is to be examined from the perspective of the grounds of delay cited. In an appropriate case, even the aspect of delay would be relevant if it is an inordinate delay. It is a settled law that in adjudication of such application, a pragmatic and justice oriented approach is required.

Considering the above principles and reasons cited, the instant IA for

condonation of delay is allowed.

**JUDGE**

**Comparing Assistant**