

GAHC010056672022



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

Case No. : I.A.(Civil)/1039/2022

JUBEDA KHATUN
W/O MD. SIRAJ ALI
RESIDENT OF VILLAGE AND PO UTTAR KHATOWAL
MOUZA SAIDARIA, PS RUPAHIHAT, DIST NAGAON, ASSAM

VERSUS

AMENA KHATUN AND 7 ORS.
D/O MD. SIRAJ ALI
RESIDENT OF VILLAGE AND PO UTTAR KHATOWAL
MOUZA SAIDARIA, PS RUPAHIHAT, DIST NAGAON, ASSAM

2:MD. HABIBUR RAHMAN
S/O MD. SIRAJ ALI
RESIDENT OF VILLAGE AND PO UTTAR KHATOWAL
PS RUPAHIHAT
DIST NAGAON
ASSAM 782128

3:MD. ABDUL REJAK
S/O MD. SIRAJ ALI
RESIDENT OF VILLAGE AND PO UTTAR KHATOWAL
PS RUPAHIHAT
DIST NAGAON
ASSAM 782128

4:MD. ABDUL GAFUR
S/O MD. SIRAJ ALI
RESIDENT OF VILLAGE AND PO UTTAR KHATOWAL
PS RUPAHIHAT
DIST NAGAON
ASSAM 782128

5:MUSSTT. JYOTSHNA BEGUM
D/O MD. SIRAJ ALI
RESIDENT OF VILLAGE AND PO UTTAR KHATOWAL
PS RUPAHIHAT
DIST NAGAON
ASSAM 782128

6:MUSST. JAHENERA BEGUM
D/O MD. SIRAJ ALI
RESIDENT OF VILLAGE AND PO UTTAR KHATOWAL
PS RUPAHIHAT
DIST NAGAON
ASSAM 782128

7:MD. JONAB ALI
S/O LATE MAJAFFAR ALI
RESIDENT OF VILLAGE AND PO UTTAR KHATOWAL
PS RUPAHIHAT
DIST NAGAON
ASSAM 782128

8:MD. ASROF ALI
S/O LATE MAJAFFAR ALI
RESIDENT OF VILLAGE AND PO UTTAR KHATOWAL
PS RUPAHIHAT
DIST NAGAON
ASSAM 78212

Advocate for the Petitioner : MR F U BARBHUIYA

Advocate for the Respondent : MR P K KALITA

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 03.04.2024

1. This is an application under Section 5 of the Limitation Act, 1963 for condoning the delay of 1834 days in preferring the accompanying Regular Second Appeal against the judgment and decree dated 22.12.2014 passed by

the learned Civil Judge, Nagaon in Title Appeal No.75/2012 whereby the first appeal was dismissed thereby upholding the judgment and decree dated 29.09.2012 passed in Title Suit No.148/2007.

2. From a perusal of the said application, it is apparent that the applicant herein had due knowledge about the judgment and decree passed on January, 2015. The only ground taken is that the applicant was not advised by anybody that she could file an appeal and as such, the delay of 1834 days have been occurred.

3. The grounds and reasons therefore so assigned does not appear to be a case for condonation of delay. The statements made in the application glaringly shows the negligence and laches on the part of the applicant and as such this Court is not inclined to condone the delay of 1834 days for which the instant application stands rejected.

4. The consequential affect of the rejection of the instant application is that the accompanying appeal cannot be entertained being barred by limitation.

JUDGE

Comparing Assistant