

GAHC010059722023



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

Case No. : I.A.(Civil)/801/2023

PABITRA BORA AND 2 ORS.

S/O- LATE MOHAN BORA, R/O- VILL.- CHOTHA HAIBOR, NAZIRAJAN,
MOUZA- NIZ-SAHAR, PIN- 782003, P.O. AND P.S. NAGAON SADAR, DIST.
NAGAON, ASSAM

2: PUNYA PRABHA BORA

D/O- LATE MOHAN BORA

R/O- VILL.- CHOTHA HAIBOR

NAZIRAJAN

MOUZA- NIZ-SAHAR

PIN- 782003

P.O. AND P.S. NAGAON SADAR

DIST. NAGAON

ASSAM

3: PIKUMONI @ PINKI BORA

D/O- LATE MOHAN BORA

R/O- VILL.- CHOTHA HAIBOR

NAZIRAJAN

MOUZA- NIZ-SAHAR

PIN- 782003

P.O. AND P.S. NAGAON SADAR

DIST. NAGAON

ASSA

VERSUS

SANDHYA RANI ROY AND 4 ORS.

W/O- SRI HARI CHARAN ROY, R/O- VILL.- MILANPUR, ADARSHA NAGAR,
NEAR NAM GHAR, PIN- 782001, P.O. AND P.S. NAGAON SADAR, DIST.
NAGAON, ASSAM

2: BISWA BIPUL BORA

S/O- LATE MOHAN BORA

R/O- VILL.- CHOTHA HAIBOR
NAZIRAJAN
MOUZA- NIZ-SAHAR
PIN- 782003
P.O. AND P.S. NAGAON SADAR
DIST. NAGAON
ASSAM

3:GITANJALI BORA
D/O- LATE MOHAN BORA
R/O- VILL.- CHOTHA HAIBOR
NAZIRAJAN
MOUZA- NIZ-SAHAR
PIN- 782003
P.O. AND P.S. NAGAON SADAR
DIST. NAGAON
ASSAM

4:TARULATA BORA
D/O- LATE MOHAN BORA
R/O- VILL.- CHOTHA HAIBOR
NAZIRAJAN
MOUZA- NIZ-SAHAR
PIN- 782003
P.O. AND P.S. NAGAON SADAR
DIST. NAGAON
ASSAM

5:MAMONI BORA
D/O- LATE MOHAN BORA
R/O- VILL.- CHOTHA HAIBOR
NAZIRAJAN
MOUZA- NIZ-SAHAR
PIN- 782003
P.O. AND P.S. NAGAON SADAR
DIST. NAGAON
ASSA

Advocate for the Petitioner : MR. S D PURKAYASTHA, MS. B. BANIA

Advocate for the Respondent : ,

Linked Case :

PABITRA BORA AND 2 ORS

VERSUS

SANDHYA RANI ROY AND 4 ORS (B)

Advocate for : MR. S D PURKAYASTHA
Advocate for : appearing for SANDHYA RANI ROY AND 4 ORS (B)

BEFORE
HON'BLE MR. JUSTICE BUDI HABUNG

ORDER

27-09-2024

Heard Mr. S.D.Purkayastha, learned counsel for the applicants.

Steps upon the respondent Nos. 1 to 5 were taken on 10.04.2023. Although more than a year has passed, the A/D card has not been returned till date.

In view of the above, the notice upon the respondent is treated to have completed.

This is an application filed under Section 5 of the Limitation Act, 1963 praying for condonation of delay of 197 days in preferring the Civil Revision petition under Section 115 of the Code of Civil Procedure, 1908 against the order dated 29.04.2022 passed by the learned Civil Judge, Nagaon in M.J.Case No. 01/2020, whereby the application filed by the applicant/appellant for condonation of delay in preferring the connected appeal was rejected.

The ground for delay in not preferring the connected Civil Revision petition has been stated in para 8 of the delay condonation petition.

On perusal and on consideration of the grounds stated in para 8 (a),(b),(c),(d),(e),(f), (g) and (h), this Court is of the view that the applicant was prevented by sufficient cause for preferring the connected Civil Revision petition within the stipulated period of time.

Since the respondents have not appeared despite of notice being served, it is presumed that the respondents have no objection for condoning the delay.

In view of the above, delay of 197 days in filing the Civil Revision Petition is hereby condoned.

Registry shall number the connected Civil Revision Petition and place the same for admission.

Accordingly, this interlocutory application stands disposed of.

JUDGE

Comparing Assistant