

GAHC010065512023



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

Case No. : I.A.(Civil)/1364/2023

THE STATE OF ASSAM AND ANR .
REPRESENTED BY THE COLLECTOR CUM DEPUTY COMMISSIONER,
BONGAIGAON ASSAM

2: THE SETTLEMENT OFFICER

BONGAIGAON AND GOALPARA DISTRICT AT GOALPARA
PO
PS AND DIST GOALPARA
ASSA

VERSUS

BADIUZ ZAMAN .
S/O LATE TARIKULLAH AHMED
RESIDENT OF VILLAGE DOLAGAON, PS AND DIST BONGAIGAON, ASSAM

Advocate for the Petitioner : ADDL. SR. GA, ASSAM

Advocate for the Respondent : MR. A SATTAR

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 18-03-2024

This is an application under Section 5 of the Limitation Act, 1963 read with Order XLI Rule 3A of the Code of Civil Procedure, 1908, seeking condonation of

delay of 85 (Eighty Five) days in preferring the accompanying second appeal against the judgment and decree dated 28.10.2021 passed in Title Appeal No. 3/2015 by the Court of learned District Judge, Bongaigaon.

This Court have duly taken note of the grounds which have been assigned in the instant application. Further to that the objections so filed by the respondents have also been taken note of. After hearing both the parties this Court is of the opinion that the grounds which have been assigned in the application constitute the sufficient cause within the meaning of Section 5 of the Limitation Act, 1963.

Accordingly, the delay has been condoned.

The Registry is directed to register the accompanying regular second appeal and list the matter in the stage of Order XLI Rule 11, as deems fit by the Registry, immediately after the Bihu vacation.

Interlocutory Application stands closed accordingly.

JUDGE

Comparing Assistant