

GAHC010068282024



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

Case No. : CRP(IO)/127/2024

MUSST. FATEMA KHATUN
W/O- MD. MADHU KHAN,
RESIDENT OF VILL- PACHIM BAHABARI,
MOUZA- PACHIM SIALMAR,
P.S.- DALGAON, NOW P.S.- KHARUPETIA,
P.O.- KHARUPETIA, DIST.- DARRANG,
ASSAM, PIN- 784115.

VERSUS

MD. TAFIL ALI
S/O- LT. KHUS MEHMOD MANDAL,
RESIDENT OF VILL- BAHABARI,
MOUZA- PACHIM SIALMARI,
P.O.- KHARUPETIA, P.S.- DALGAON NOW P.S. KHARUPETIA,
DIST.- DARRANG, ASSAM, PIN- 784115.

For the petitioner (s) : Mr. M. K. Choudhury, Advocate

For the respondent (s) : None appears

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
O R D E R

10.04.2024

The instant application has been filed under Article 227 of the Constitution drawing to the attention of this Court that the Title Appeal No.07/2015 pending before the Court of the Additional District Judge (FTC), Mangaldoi has been pending since 2015 and on account of delay in disposal of the said Appeal, great prejudice has been caused to the

petitioner who is the respondent in the said proceedings.

2. The entire gamut of the case of the petitioner is on the basis that the respondent herein who is the appellant has been dragging the said Appeal proceedings after taking a stay of the judgment and decree passed by the Trial Court.

3. This Court has put a specific query upon the learned counsel for the petitioner as to whether any application has been filed before the learned First Appellate Court seeking early disposal. The learned counsel, with all fairness, submits that such an application has not been filed. It is the opinion of this Court that if such an application is filed before the learned First Appellate Court, the said Court would have definitely considered the request and expedited the disposal of the said Appeal. Having not filed as such, this Court is not inclined to entertain the instant petition.

4. However, this Court makes it clear that the petitioner herein would be at liberty to file an appropriate application before the First Appellate Court apprising the Court about the delay and on account of the delay the prejudice which has been caused to the petitioner.

5. This Court requests the learned First Appellate Court, i.e. the Court of the Additional District Judge (FTC), Mangaldoi, upon such an application being filed, to expedite the disposal of the said Appeal in as much as the said Appeal has been pending almost for a decade.

6. In view of the above, the instant petition stands disposed of.

JUDGE