

GAHC010077912024



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

Case No. : I.A.(Civil)/1130/2024

SATI PUROKAYASTA @ SATHI PURKAYASTHA AND 3 ORS
W/O LATE KAMALAKHYA PUROKAYASTA RESIDENT OF VIVEKANANDA
ROAD, HAILAKANDI TOWN, WARD NO. 12, PO, PS AND DIST HAILAKANDI,
ASSAM

2: SMTI SUSMITA PUROKAYASTA @ SUSHMITA PURKAYASTHA

W/O LATE KRISHNENDU PUROKAYASTA
RESIDENT OF VIVEKANANDA ROAD
HAILAKANDI TOWN
WARD NO. 12
PO
PS AND DIST HAILAKANDI
ASSAM

3: SRI SUBHAM PUROKAYASTA @ SUVOM PURKAYASTHA

S/O LATE KRISHNENDU PUROKAYASTA
RESIDENT OF VIVEKANANDA ROAD
HAILAKANDI TOWN
WARD NO. 12
PO
PS AND DIST HAILAKANDI
ASSAM

4: MISS SNEHA PUROKAYASTA

D/O LATE KRISHNENDU PUROKAYASTA
RESIDENT OF VIVEKANANDA ROAD
HAILAKANDI TOWN
WARD NO. 12
PO
PS AND DIST HAILAKANDI
ASSAM

TO BE REP. BY HER MOTHER
PET NO.

VERSUS

MONUJ KANTI PAUL
S/O SRI AMORANDRA PAUL,
VILLAGE ALGAPUR PART I, PO KALIBARI BAZAR, PS ALGAPUR, DIST
HAILAKANDI, ASSAM

Advocate for the Petitioner : MS. P BHATTACHARYA, MR T GOGOI

Advocate for the Respondent : MR. A M BARBHUIYA, MS S R MAZARBHUIYA, S. M.
ZINNA, MS A BEGUM

In

RFA Case No. 2591/2024 (Filing Number)

SATI PUROKAYASTA @ SATHI PURKAYASTHA AND 3 ORS

VERSUS

MONUJ KANTI PAUL E

Advocate for : MS. P BHATTACHARYA
Advocate for : appearing for MONUJ KANTI PAUL E

BEFORE

HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

25.09.2024

- 1.** Heard Ms. P. Bhattacharya, learned counsel for the applicants. Also heard Ms. A. Begum, learned counsel for the sole opposite party.
- 2.** Though earlier time was afforded to the opposite party for filing written objection, however, no written objection has been filed.
- 3.** This application under Section 5 of the Limitation Act, 1963 has been filed by the applicants for condoning the delay of 65 days in preferring the connected appeal by the applicants impugning the Judgment and Decree dated 01.08.2023, passed in Title Suit No. 07/2021 by the learned Civil Judge (Senior Division), Hailakandi.
- 4.** The learned counsel for the applicants has submitted that the applicant No. 1 is an aged lady of 78 years and is totally bedridden and unable to move without the assistance of others. She has also submitted that applicant No. 2 is a widow, who is the daughter-in-law of the applicant No. 1 and other two applicants are minor daughters of applicant No. 2.
- 5.** The learned counsel for the applicants has also submitted that the applicants have explained the cause for delay in preferring the connected appeal in paragraph Nos. 6 and 7 of the application for condonation of delay.
- 6.** The learned counsel for the sole opposite party has objected to the condoning of the delay in preferring the connected first appeal.
- 7.** I have considered the submissions made by the learned counsel for

both the sides and have gone through the materials on record.

8. On consideration of the submissions made by the learned counsel for the parties as well as on perusal of the grounds mentioned in paragraph Nos. 5 and 6 of the application for condonation of delay filed by the applicants, this Court is of considered opinion that the applicants have explained the cause for delay in preferring the connected appeal and the said cause may be regarded as sufficient cause for condoning the delay. Hence, this Interlocutory Application is allowed and the delay of 65 days in preferring the connected appeal is hereby condoned.

9. The Registry is directed to register the connected appeal and list it for admission after Puja Vacation on a date to be fixed by the Registry.

10. This Interlocutory Application is accordingly disposed of.

JUDGE

Comparing Assistant