

GAHC010090842024



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

Case No. : I.A.(Civil)/1450/2024

XXXXXXXXXX

S/O SRI ARNA KANTA DAS, RESIDENT OF RAJAMAIDAM GOJPURIA ROAD,
PO, PS AND DIST JORHAT, ASSAM 785001

VERSUS

XXXXXXXXXX

D/O RABIN CHANDRA HAZARIKA
RESIDENT OF SEUNI ALI, A.T ROAD, PO, PS AND DIST JORHAT, ASSAM
785001

Advocate for the Petitioner : MR. B D KONWAR SR. ADV., MS S JAIN, H BAISHYA, MS M ZOMUANPUII, MR J SINGH, MS. S BHUYAN, MR H AGARWAL

Advocate for the Respondent : MS. P BHATTACHARYA, MR T GOGOI, MR. A BORUA

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 31-07-2024

Heard Ms. S. Jain, learned counsel for the applicant. Also heard Mr. A. Barua, learned counsel for the sole respondent.

This application under Section 5 of the Limitation Act has been filed by the applicant for condoning the delay of 5 days in filing the connected first appeal wherein the applicant has impugned the order dated 29.01.2024 passed by the learned Additional District Judge, Jorhat in Misc.(J) Case No. 44/2023.

Learned counsel for the opposite-party has submitted that as the delay sought to be condoned is only of 5 days, he has no objection if the delay is condoned by the Court.

Considering the submissions made by the counsel for respondent as well as considering the reasons for delay mentioned in paragraph no. 2 of the delay condonation petition, this Court is of the considered opinion that the applicant has shown sufficient cause for filing the connected matrimonial appeal delayed in this Court.

Hence, the delay of 5 days in filing the connected matrimonial appeal is hereby condoned and this interlocutory application is disposed of.

Registry to connect the matrimonial appeal and list the same in next week on a date to be fixed by the Registry.

Learned counsel for the opposite-party submits that his name may be shown in the Cause List at the time of listing of the connected appeal as the opposite-party has already filed Vakalatnama engaging him for this matter.

List accordingly next week.

JUDGE

Comparing Assistant