

GAHC010094082024



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

Case No. : I.A.(Civil)/1451/2024

NASIBUR RAHMAN
S/O NASIRUL ISLAM, RESIDENT OF VIP ROAD, DHARAPUR, AZARA HOME
SOLUTIONS, GUWAHATI, PO AZARA, DIST KAMRUP M SSAM 781017

VERSUS

MOMI ARA AHMED
W/O NASIBUR RAHMAN, D./O LATE MAFIZUDDIN AHMED,
RESIDENT OF BORSILLA TEA ESTATE, PO TIPHOOK, DIST SIVASAGAR,
ASSAM 785684

Advocate for the Petitioner : MR. M R SODIAL, MS S Z HAYAT

Advocate for the Respondent : MS. S E AHMED, M AHMED

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

22.10.2024

Heard Ms. S.Z. Hayat, learned counsel for the applicant and also heard Ms. S.E. Ahmed, learned counsel for the sole respondent.

This application under Section 5 of the Limitation Act is preferred by the applicant for condonation of delay of 122 days in preferring the connected FAO against the ex-parte decree and order dated 03.10.2023 passed in Misc.(G) Case No.08/2022 by the learned

District Judge, Sivasagar and the Guardianship Certificate dated 09.11.2023 by the learned District Judge, Sivasagar.

The learned counsel for the applicant submits that the applicant was not aware of passing of the ex-parte decree and order dated 03.10.2023 in Misc.(G) Case No.08/2022 by the learned District Judge, Sivasagar and he came to know about the same only when he filed one application before the learned Principal Judge, Family Court No.1, Kamrup, Guwahati on 20.10.2023, being Misc.(G) Case No.163/2022 and that the delay is not intentional and the same has been sufficiently explained in paragraph 10 of the application and therefore, it is contended to condone the delay of 122 days in filing the FAO.

The learned counsel for the sole respondent submits that she has no objection in condoning the delay.

Having heard the submission of learned Advocates of both the parties, I have carefully gone through the petition and the documents placed on record, specially the statement and averment made in paragraph No.10 of the application.

It appears that the delay of 122 days has been sufficiently explained in this petition and having been satisfied, this Court is inclined to condone the delay of 122 days in filing the connected FAO.

In terms of above, the I.A. stands disposed of.

Registry to register and number the connected FAO and list the same before the Court.

Sd/- Robin Phukan
JUDGE

Comparing Assistant