

GAHC010184282007



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

MC/1782/2012

ARUNA CHAKRABORTY AND ANR.

VERSUS

DIPTY BARTHAKUR AND ANR.

Advocate for the petitioner(s): Ms. S Sarma

Advocate for the respondent(s): Mr. PS Deka, Senior Advocate
Ms. P Bhattacharjee

B E F O R E
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

23.07.2024

Heard Ms. S Sarma, the learned counsel appearing on behalf of the applicant and Mr. P S Deka, the learned senior counsel, assisted by Ms. P

Bhattacharjee, learned counsel appearing on behalf of the opposite party No.2.

2. This is an application seeking leave of this Court to file the accompanying cross objection against the judgment and order dated 16.12.2006 passed in Title Suit (Probate) No.30/2001 by the learned District Judge, Jorhat.

3. For deciding the said application, this Court finds it relevant to take note of Order XLI Rule 22 of the Code of Civil Procedure, 1908 (for short, the Code) which stipulates that a cross objection can be filed within one month from the date of service on the applicant or her pleader of the notice of the date fixed for the hearing of the appeal or which such further time as the Appellate Court may deem fit to allow.

4. It has been stated in the instant application that the applicant after receiving notice from this Court had engaged an Advocate to represent her in the appeal and the Advocate after going through the records found that the appeal was admitted by this Court on 11.04.2007 and suggested to file cross objection. There is no mention as to when the applicant had received the notice of the appeal in the application. There is no mention as to when the Advocate suggested filing of the cross objection. It is also seen that in the year 2011 itself, the applicant came over for filing of the cross objection. However, the cross objection was filed only in the year 2012. The explanation so given is too vague and bereft of material particulars and as such, this Court is not inclined to grant the leave for filing of the cross objection, which was filed with a delay of almost four years. Accordingly, the instant application being devoid of any merit stands dismissed.

JUDGE

Comparing Assistant