

GAHC010171862016



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

Case No. : I.A.(Civil)/917/2016

ABU BAKKAR BARBHUYAN

VERSUS

MOINUL HAQUE BARBHUYA

Advocate for the Petitioner : R DAS

Advocate for the Respondent : MR.D F A AHMEDR-1

Linked Case : MC/208/2016

ABU BAKKAR BARBHUYAN

VERSUS

MOINUL HAQUE BARBHUYA

Advocate for : S C KEYAL

Advocate for : appearing for MOINUL HAQUE BARBHUYA

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 15-03-2024

Both the applications are taken up together for disposal.

I.A.(Civil) No. 917/2016 is an application under Section 5 of Limitation Act, 1963 for condoning the delay of 201 (Two Hundred One) days in preferring the application for restoration of the appeal, which was dismissed for default vide order dated 30.11.2015.

This Court have duly taken note of the grounds mentioned in the said application and is of the opinion that the same constitutes sufficient cause for condoning the delay. Accordingly, the delay of 201 (Two Hundred One) days in preferring the application for restoration of the appeal is condoned.

MC No. 208/2016 is an application for restoration filed under Order XLI Rule 19 read with Section 151 of the Code of Civil Procedure, 1908. The grounds and reasons stated therein in the opinion of the Court are sufficient for restoring the appeal being RFA No. 87/2004.

Accordingly, the instant application stands allowed.

In view of the above, both these applications stand disposed of.

JUDGE

Comparing Assistant