

GAHC010179082024



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

Case No. : I.A.(Civil)/2686/2024

MIJAJUR RAHMAN LASKAR AND ANR
S/O LATE AKMAN ALI LASKAR @ HARUDHAN ALI,
RESIDENT OF PANCHGRAM PART III, PH. AND PS UDHARBOND, PO
UDHARBOND, DIST CACHAR, ASSAM

2: ILASH ALI LASKAR

S/O LATE MAHAMMAD ALI BARBHUIYAN @ BADU MIA BARBHUIYAN

RESIDENT OF PANCHGRAM PART III
PH. AND PS UDHARBOND
PO UDHARBOND
DIST CACHAR
ASSA

VERSUS

MASTAKIN ALI BARBHUIYAN
S/O LATE SOMSHER ALI BARBHUIYAN,
RESIDENT OF PANCHGRAM PART III, PH. AND PS UDHARBOND, PO
UDHARBOND, DIST CACHAR, ASSAM

Advocate for the Petitioner : MR. S P CHOUDHURY, MR K BISWAKARMA, MS B DEVI

Advocate for the Respondent : ,

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN**

ORDER

Date : 09.09.2024

Heard Mr. S.P. Choudhury, learned counsel for the applicants.

2. This interlocutory application, under Section 5 of the Limitation Act, 1963, read with Order 41 Rule 3A, read with Section 151 of the CPC, is preferred by the applicants for condonation of delay of 3 days in preferring the connected second appeal against the judgment and decree dated 05.03.2024, passed by the learned Civil Judge (Senior Division), Cachar at Silchar, in Title Appeal No. 2/2020.

3. Mr. Choudhury, learned counsel for the applicants submits that the delay of 3 days is explained in paragraph Nos. 4 and 5 of the application and that the delay is not intentional, rather it is circumstantial and therefore, it is contended to condone the same.

4. Having heard the submission of learned counsel for the applicants, I have carefully gone through the application and the statements and averments made in paragraph Nos. 4 and 5 of the application.

6. It is stated in paragraph Nos. 4 and 5 that the applicant No. 2 is a disabled person and he could not come to Guwahati immediately owing to his disability and that he hails from an interior place of Cachar district.

7. Considering all the facts and circumstances on the record and also considering the submission of learned counsel for the applicants, this Court is of the view that the delay of 3 days in preferring the connected second appeal is not intentional, rather it is circumstantial and the same is properly explained and the explanation is found to be satisfactory.

8. Accordingly, the delay of 3 days in preferring the connected second appeal is condoned.
9. Registry shall register the connected second appeal and thereafter, list the same before this Court forthwith.

JUDGE

Comparing Assistant