

GAHC010187982023



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

**Case No. : I.A.(Civil)/2548/2023**

ON THE DEATH OF LATE MAHIDGAR DEKA HIS HEIRS ,SUBHADRA DEKA  
AND 4 ORS.

W/O LATE MAHIDHAR DEKA,  
RESIDENT OF VILLAGE NO. 1 BARDHANARA, MOUZA PUB BARBHAG, PS  
GHAGRAPUR, DIST NALBARI, ASSAM

2: SRI NAREN DEKA  
S/O LATE MAHIDHAR DEKA

RESIDENT OF VILLAGE NO. 1 BARDHANARA  
MOUZA PUB BARBHAG  
PS GHAGRAPUR  
DIST NALBARI  
ASSAM

3: SRI KARUNA DEKA  
S/O LATE MAHIDHAR DEKA

RESIDENT OF VILLAGE NO. 1 BARDHANARA  
MOUZA PUB BARBHAG  
PS GHAGRAPUR  
DIST NALBARI  
ASSAM

4: SMTI JOYMATI DEKA  
D/O LATE MAHIDHAR DEKA

RESIDENT OF VILLAGE NO. 1 BARDHANARA  
MOUZA PUB BARBHAG  
PS GHAGRAPUR  
DIST NALBARI  
ASSAM

5: SMTI JURI DEKA

D/O LATE MAHIDHAR DEKA

RESIDENT OF VILLAGE NO. 1 BARDHANARA  
MOUZA PUB BARBHAG  
PS GHAGRAPUR  
DIST NALBARI  
ASSA

VERSUS

BIPUL DEKA AND 4 ORS.  
S/O LATE AMRIT DEKA,  
RESIDENT OF VILLAGE NO. 1 BARDHANARA, MOUZA PUB BARBHAG, PS  
GHAGRAPUR, DIST NALBARI, ASSAM

2:SRI BARNALI DEKA  
S/O LATE BHADRA DEKA  
RESIDENT OF VILLAGE NO. 1 BARDHANARA  
MOUZA PUB BARBHAG  
PS GHAGRAPUR  
DIST NALBARI  
ASSAM

3:SRI BINAY DEKA  
S/O SRI BHABESH DEKA  
RESIDENT OF VILLAGE NO. 1 BARDHANARA  
MOUZA PUB BARBHAG  
PS GHAGRAPUR  
DIST NALBARI  
ASSAM

4:SRI SANJAY DEKA  
S/O LATE AMBIKA DEKA  
RESIDENT OF VILLAGE NO. 1 BARDHANARA  
MOUZA PUB BARBHAG  
PS GHAGRAPUR  
DIST NALBARI  
ASSAM

5:SRI CHARAN DEKA  
S/O LATE AMBIKA DEKA  
RESIDENT OF VILLAGE NO. 1 BARDHANARA  
MOUZA PUB BARBHAG  
PS GHAGRAPUR  
DIST NALBARI  
ASSA

Advocate for the applicant(s): Ms. S Diffusa

Advocate for the respondent(s): Mr. A Bhatra

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

**24.04.2024**

This is an application under Section 5 of the Limitation Act, 1963 praying for condoning the delay of 39 days in preferring the accompanying appeal against the judgment and decree dated 23.02.2023 passed in Title Appeal No.23/2019. This Court had duly taken note of the grounds and reasons which have been stated in the instant application, more particularly, in paragraphs 4 to 8.

2. The said grounds and reasons, in the opinion of this Court are sufficient to condone the delay in preferring the accompanying appeal. Accordingly, the delay of 39 days is condoned.

3. Registry is directed to register the accompanying regular second appeal and list the matter under the column of Order XLI Rule 11 of the CPC.

4. A copy of the Memo of Appeal be served upon Mr. A Bhatra, the learned counsel appearing on behalf of the respondent during the course of the day.

5. Interlocutory application, accordingly, stands disposed of.

**JUDGE**

**Comparing Assistant**