

GAHC010212012023



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

Case No. : I.A.(Civil)/3056/2023

SOMNATH MITRA
S/O LATE RABINDRA MITRA, R/O MORANHAT, DIST.- DIBRUGARH,
ASSAM.

VERSUS

ARABINDA MITRA
S/O LATE RABINDRA MITRA, R/O MORANHAT, DIST.- DIBRUGARH,
ASSAM.

Advocate for the Petitioner : MR SISHIR DUTTA

Advocate for the Respondent : MS. B CHOUDHURY

Linked Case :

SOMNATH MITRA

VERSUS

ARABINDA MITRA H

Advocate for : MR SISHIR DUTTA

Advocate for : appearing for ARABINDA MITRA H

BEFORE

THE HON'BLE MR JUSTICE ARUN DEV CHOUDHURY
O R D E R

16.02.2024

Heard Mr. S Dutta, learned Senior counsel assisted by Ms. S Mochahari, learned counsel for the petitioner. Also heard Ms. B Choudhury, learned counsel for the respondent.

This is an application filed under Section 5 of the Limitation Act, 1963 for condonation of 94 days in filing the review petition. The delay has been explained at paragraph No. 4 of the petition.

The respondent has filed an affidavit opposing condonation of delay.

The stand of the respondents is that the learned counsel for the petitioner was not aware of the judgment cannot be accepted as the website has already shown on 14.08.2023 that RSA was disposed of.

After perusal of the ground of the delay explained at paragraph No. 4, this court is of the considered opinion that there are sufficient reasons for which the review petition could not file the review within the prescribed period of limitation.

Accordingly, delay stands condoned.

Registry to list the review petition on 12.03.2024 in the order column subject to condition of having no defect in the review petition.

Registry also to show the name of Ms. B Choudhury, learned counsel for the respondents in the cause list.

IA stands disposed of.

JUDGE

Comparing Assistant