

GAHC010215532022



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

Case No. : I.A.(Civil)/782/2023

ABDUL MATLIB
S/O LATE TAIYOB ALI,
RESIDENT OF DOLUGANG, PO BIDYANAGAR, PS RAMKRISHNA NAGAR,
DIST KARIMGANJ, ASSAM 788166

VERSUS

ABDUL SUKKUR AND 4 ORS.
S/O LATE TAIYOB ALI,
RESIDENT OF DOLUGANG, PO BIDYANAGAR, PS RAMKRISHNA NAGAR,
DIST KARIMGANJ, ASSAM 788166

2:ABDUR RAHMAN
S/O LATE TAIYOB ALI

RESIDENT OF DOLUGANG
PO BIDYANAGAR
PS RAMKRISHNA NAGAR
DIST KARIMGANJ
ASSAM 788166

3:THE STATE OF ASSAM
REPRESENTED BY G.P KARIMGANJ
ASSAM

4:THE SUB REGISTRAR
R.K NAGAR
PO AND PS RAMKRISHNANAGAR
DIST KARIMGANJ
ASSAM 78816

Advocate for the Petitioner : G UDDIN

Advocate for the Respondent : ADDL. AG,ASSAM

Linked Case :

ABDUL MATLIB

VERSUS

ABDUL SUKKUR AND 4 ORS. A

Advocate for the Appellant(s) : Mr. P Adhikari
Advocate for the Respondent(s): Ms. D. D. Barman, AGA

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 10-04-2024

This is an application under Section 5 of the Limitation Act, 1963 for condoning the delay of 114 days in preferring the accompanying second appeal against the Judgment and Decree dated 30.03.2022 passed by the Court of the learned Civil Judge, Karimganj in Title Appeal No.14/2020.

2. The applicant have duly explained the delay in paragraph Nos 2, 3 and 4 of the said application stating *inter alia* that on account of medical illness of the applicant as well as of his wife he could not take immediate steps.

3. Taking into account the said grounds which have been taken and there has been no objection by the respondents inspite of service of notice, this Court is of the opinion that the delay in the instant application can be condoned.
4. The grounds which have been assigned in the application in the opinion of this Court constitutes sufficient cause within in the meaning of Section 5 of the Limitation Act, 1963
5. Accordingly, the delay of 114 days is condoned.
6. IA stands disposed of.
7. The Registry shall register the accompanying second appeal and list the appeal in the stage of Order XLI Rule 11

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