

GAHC010240982023



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

**Case No. : I.A.(Civil)/3207/2023**

WAHAB ALI AND 4 ORS  
S/O LATE TUKKU MIAH ,  
RESIDENT OF VILLAGE KEOTKUCHI (BELERTARI) PS AND DIST BARPETA,  
ASSAM

2: SULTAN ALI  
S/O LATE TUKKU MIAH

RESIDENT OF VILLAGE KEOTKUCHI (BELERTARI) PS AND DIST BARPETA  
ASSAM

3: AZIRON NESSA  
W/O LATE KAYED ALI

RESIDENT OF VILLAGE KEOTKUCHI (BELERTARI) PS AND DIST BARPETA  
ASSAM

4: MOHOR ALI  
S/O LATE TUKKU MIAH

RESIDENT OF VILLAGE KEOTKUCHI (BELERTARI) PS AND DIST BARPETA  
ASSAM

5: SHOHOR ALI  
S/O LATE TUKKU MIAH

RESIDENT OF VILLAGE KEOTKUCHI (BELERTARI) PS AND DIST BARPETA  
ASSA

VERSUS

TANU MIAH @ TANU ALI AND 3 ORS  
S/O LATE DURJAN ALI,  
RESIDENT OF VILLAGE KEOTKUCHI (BELERTARI) PS AND DIST BARPETA,

ASSAM

2:SALIM UDDIN  
S/O LATE TUNU MIAH

RESIDENT OF VILLAGE KEOTKUCHI (BELERTARI) PS AND DIST BARPETA  
ASSAM

3:KALIM UDDIN  
S/O LATE TUNU MIAH

RESIDENT OF VILLAGE KEOTKUCHI (BELERTARI) PS AND DIST BARPETA  
ASSAM

4:ISMAIL HUSSAIN  
S/O LATE TUNU MIAH

RESIDENT OF VILLAGE KEOTKUCHI (BELERTARI) PS AND DIST BARPETA  
ASSAM 78130

**Advocate for the Petitioner** : ALHAJJ I UDDIN

**Advocate for the Respondent** : MR. M U MAHMUD (r-1 to 4)

**BEFORE**  
**HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

**ORDER**

**Date : 06-03-2024**

This is an application under Section 5 of the Limitation Act, 1963 for condoning the delay of 584 (Five Hundred Eighty Four) days in preferring the accompanying second appeal against the judgment and decree dated 23.12.2019 passed in Title Appeal No. 42/2017. The only reason given in the said application was that the connected appeal was pending for which the appeal was not filed before this Court.

2. This Court finds it relevant to take note of that the appellants duly knew

that the appeal was dismissed on 23.12.2019. Thereupon, a perusal of the condonation application reveals that on 09.05.2022, the accompanying appeal was also dismissed.

3. Under such circumstances, the cause which has been shown for not filing the accompanying appeal till 16.10.2023 cannot be said to be sufficient for which the instant application under Section 5 of the Limitation Act, 1963, stands dismissed.

Interlocutory Application stands disposed of accordingly.

**JUDGE**

**Comparing Assistant**