

GAHC010186002023



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

I.A.(Crl.)/1113/2023

RINTI DEKA
D/O LATE UDAY DEKA
R/O HOUSE NO. 301
JYOTI NAGAR TINIALI
ABC JYOTI ARCARE
BAMUNIMAIDAM
UNDER CHANDMARI POLICE STATION

GUWAHATI-21

VERSUS

BHABEN KUMAR
S/O LATE HOTO RAM KUMAR
R/O GOTANAGAR
P.O. GOTANAGAR
POLICE STATION JALUKBARI
KAMRUP (M)
ASSAM

Advocate for : MS. B BHUYAN
Advocate for : appearing for BHABEN KUMAR

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 20.04.2024

Heard Mr. A.K. Bhuyan, learned counsel for the applicant. Also heard Mr. Z. Kamar, learned senior counsel assisted by Mr. R.M. Das, learned counsel for the respondent.

This is an application filed under Section 5 of the Limitation Act, 1963 for condonation of delay of 45 days in preferring the connected revision petition against the judgment and order dated 01.07.2023 passed in Misc No.128/2021 arising out of FC(Crl) Case No.246/2006 by the Principal Judge, Family Court No.1, Kamrup(M), Guwahati.

It is submitted by the learned counsel for the applicant that due to some financial constraint she could not prefer the revision petition within the stipulated period of time and thus there is delay of 45 days in filing the connected revision petition. Further there is no intentional negligence or laches on the part of the petitioner in preferring the revision petition with a delay of 45 days.

In this context, Mr. Z. Kamar, learned senior counsel has submitted that no sufficient ground mentioned in the petition for condonation of delay.

Considering the submissions made by the learned counsel for both sides and the entire facts and grounds mentioned in the petition, I find it a fit case to allow the petition of condonation of delay of 45 days in preferring the connected revision petition.

Accordingly, the I.A. stands allowed.

Registry is directed to do the needful in registering and numbering the connected revision petition.

Further the revision petition be listed along with Crl.Rev.P. 345/2023.

JUDGE

Comparing Assistant