

GAHC030001232023



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

Case No. : I.A.(Civil)/27/2023

Kualmawi Bilkhawthlir Farmers' Assn., MIP
Kualmawi, Bilkhawthlir

VERSUS

Registrar, Firms and Society, Govt. of Mizoram
Aizawl

Advocate for the Petitioner : Mr. Johny L Tochhawng

Advocate for the Respondent :

JUDGMENT / ORDER

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

22.07.2024

Heard Mr. Johny L. Tochhawng, learned counsel for the applicant. None appears for the respondent/opposite party i.e. Registrar, Firms and Society, Government of Mizoram.

2. This interlocutory application under Section 5 of the Limitation Act is filed by the applicant for condonation of delay of 3423 days in filing the connected application for restoration of CRP No. 15/2012, which was disposed of for non-prosecution on 25.09.2013.

3. The learned counsel for the applicant submits that notice upon the sole respondent was served by dasti mode and an affidavit to that effect was filed on 02.05.2024, and this Court, vide order dated 28.05.2024, has also observed that notice upon the sole respondent deemed to have been served. But, no one appears for the sole respondent.

4. The learned counsel for the applicant further submits that the applicant had earlier engaged an Advocate, namely, Mr. S.N. Meitei and without informing the applicant, he left Mizoram and thereafter, when the applicant enquired about the status of the case, he came to know that the same has already been disposed of due to non-prosecution. The learned counsel for the applicant further submits that the cause of delay has been explained in para No. 7 of the application and that the delay is not intentional, rather it is circumstantial and therefore, it is contended to condone the delay of 3423 days.

5. Having heard the submission of learned counsel for the applicant, I have carefully gone through the application specially the statement and averments made in para No. 7 of the application and the documents placed on record. And it appears that the cause of delay has been sufficiently explained in paragraph No. 7 of the application for condonation of delay. The respondent/opposite party also chooses not to appear/contest the application.

6. Having considered the submission of learned counsel for the applicant and also the reason assigned for the delay, this Court is of the view that, in the interest of justice, the delay of 3423 days has to be condoned and accordingly, the same stands condoned.

7. In terms of above, this interlocutory application stands disposed of.

8. In view of disposal of this interlocutory application, Registry will proceed to register the application for restoration of the Civil Revision Petition No. 15/2012,

filed under Article 227 of the Constitution of India.

JUDGE

Comparing Assistant