

GAHC030001762024



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

Case No. : I.A.(Civil)/51/2024

Smt. Lalvuani
W/o Barna Sanga

R/o Bawngkawn
Aizawl
Mizoram

VERSUS

The State of Mizoram and 5 Ors.
Represented by the Secretary to the Government of Mizoram

Revenue and Settlement Department

2:The District Magistrate
Aizawl District
Aizawl

3:The Director
Land Revenue and Settlement Department

Aizawl

4:Sh. Laldingliana
S/o R. Lalbana

R/o ITI Veng
Aizawl
Mizoram

5:Sh. R.C. Liandawla
S/o R. Lalbana

R/o Bawngkawn
Aizawl
Mizoram

6:Smt. Rualkhumi
W/o Hrangbana (L)
R/o Chanmari
Aizawl

Advocate for the Petitioner : Mr Zoramchhana
Advocate for the Respondent : Addl. AG/GA
Mizoram for R1

JUDGMENT / ORDER

Date : --15.03.2024

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

Heard Mr. Zoramchhana, learned counsel for the applicant. Also heard Ms. Marry L. Khiangte, learned Government Advocate for the State respondent No.1. This is an application filed under Order 22 of CPC read with Section 151 of CPC praying for substitution of the respondent No.6 i.e. the son of the deceased namely Shri Zohmingthanga.

It is submitted by the learned counsel for the applicant, Mr. Zoramchhana that after getting information about the death of the respondent No.6 from the respondent counsel, the applicant counsel had been provided with a copy of death certificate only on 28.02.2024, and thus, there was a delay of 7 days in filing the substitution petition for substituting the legal heir namely Shri Zohmingthanga of the deceased respondent No.6. Thus, the learned counsel for the applicant also submits that there was no any willful negligence on the part of the applicant.

In this regard, Ms. Marry L. Khiangte, learned Government Advocate

appearing for the respondent No. 1 raised no objection in substituting the name of legal heir of the deceased respondent No.6.

Considering the facts and circumstance of the case and in view of the order passed in I.A. (C)58/2024 and also for the ends of justice, the Interlocutory Application for substitution is hereby allowed.

The applicant is hereby directed to file the amended cause title of the Memo of Appeal substituting the name of the deceased respondent No.6 by her son namely Shri Zohmingthanga.

The Interlocutory Application stands disposed of in terms above.

JUDGE

Comparing Assistant