

GAHC030001762024



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

Case No. : I.A.(Civil)/58/2024

Smt. Lalvuani
W/o Barna Sanga,
R/o Bawngkawn, Aizawl, Mizoram

VERSUS

The State of Mizoram represented by the Secretary to the Government of Mizoram
and 5 Ors.
Land Revenue and Settlement Department

2:The District Magistrate
Aizawl District
Aizawl
Mizoram

3:The Director
Land Revenue and Settlement Department
Aizawl

4:Sh. Laldingliana
S/o Lalbana

R/o ITI Veng
Aizawl
Mizoram

5:Sh. R.C. Liandawla
So/ R. Lalbana

R/o Bawngkawn
Aizawl
Mizoram

6:Smt. Rualkhumi

W/o Hrangbana (L)

R/o Chanmari

Aizawl proposed to be substituted by her legal representativ

Advocate for the Petitioner : Mr Zoramchhana

Advocate for the Respondent : Addl. AG/GA, Mizoram for R-1

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 Nos.1 to 3.

This is an application filed under Section 5 of the Limitation Act, 1963 praying for condoning the delay of 7 days in filling the connected I.A. (C) No.51/2024 for substitution of the deceased respondent No.6 by her legal representative.

It is submitted by the learned counsel for the applicant, Mr. Zoramchhana that the applicant came to know about the sudden demise of the respondent No.6 only on 16.01.2024 when the counsel for the deceased respondent No.6 made a submission before this Court that the respondent No.6 had expired. Accordingly, the said counsel was directed to furnish a copy of the death certificate to the counsel for the applicant in order to file an application for substitution of the said deceased respondent No.6. However, the respondent counsel failed to furnish the death certificate to the counsel for the applicant, and hence, the matter was again listed on 14.02.2024. Thereafter, only on

28.02.2024, the learned counsel for the applicant obtained a copy of death certificate from the respondent side and for which reason there was a delay of 7 days in filing the substitution petition. Thus, the learned counsel for the applicant also submits that there was no any willful negligence on the part of the applicant in filing the substitution petition. The grounds of delay is well explained in paragraph No.3 of the instant petition.

In this regard, Ms. Marry L. Khiangte, learned Government Advocate appearing for the respondent Nos. 1 to 3 raised no objection in condoning the delay of 7 days in preferring the connected I.A. (C) No.51/2024.

In view of above and also for the ends of justice, the Interlocutory Application for condonation of delay is hereby allowed and the delay of 7 days in preferring the connected interlocutory application i.e. I.A. (C) No.51/2024 stands condoned.

The Interlocutory Application stands disposed of in terms above.

JUDGE

Comparing Assistant