

GAHC030002662024



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

Case No. : I.A.(Civil)/78/2024

Smt. Kapliani and 2 Ors.
W/o Thanluaia, R/o Tuikual S, B Mual, Aizawl, Mizoram

2: Smt. Lalzawmthangi
D/o H. Thanzama (L)
Bungkawn
Aizawl
Mizoram

3: Smt. Lalthanpuui
D/o H. Thanzama (L)
R/o Maubawk
Aizawl
Mizora

VERSUS

Sh. Chalzika of Maubuang and 4 Ors.
R/o Bungkawn Nursery Veng, Aizawl

2:The State of Mizoram
Represented by the Chief Secretary to the Government of Mizoram
Aizawl

3:The Secretary to the Government of Mizoram
Land Revenue and Settlement Department
Aizawl
Mizoram

4:The Director
Land Revenue and Settlement Department
Aizawl
Mizoram

5:The Assistant Settlement Officer-I
Land Revenue and Settlement Department
Aizawl
Mizora

Advocate for the Petitioner : Mr A.R. Malhotra

Advocate for the Respondent : Mr. L.H. Lianhrima, Sr.Adv. for R1

Linked Case : RFA/4/2019

Kaplani and 2 Ors.
Tuikual S
B Mual
Aizawl Mizoram

2: Lalzawmthangi
Bungkawn
Aizawl Mizoram

3: Lalthanpuui
Maubawk

Aizawl
Mizoram

VERSUS

Chalzika and 4 Ors.
Bungkawn
Nursery Veng
Aizawl Mizoram

2:The Chief Secretary to the Govt. of Mizoram
Aizawl Mizoram

3:The Secretary to the Govt of Mizoram Land Revenue And Settlement Dept Aizawl
Mizoram
Aizawl Mizoram

4:The Director land Revenue and Settlement Dept Aizawl Mizoram
Aizawl Mizoram

5:the Assistant Settlement Officer-I Land Revenue and Settlement Dept Aizawl
Mizoram
Aizawl Mizoram

Advocate for the Petitioner : Mr A.R. Malhotra
Advocate for the Respondent : Mr. L.H. Lianhrima
Sr.Adv. for R1

ORDER

B E F O R E

HON'BLE MR. JUSTICE NELSON SAILO

26.04.2024

Heard Ms. Vanlalthlamuani, learned counsel for the applicant, who submits that the applicant by filing this application, seeks condonation of 162 days delay in filing the connected substitution application for substituting respondent No. 1 by his legal representative, i.e. his wife. The learned counsel submits that the respondent expired on 12.07.2023 but the same came to the knowledge of the applicant only on 11.03.2024. She submits that since the cause of action survives, the application for condonation may be allowed.

Ms. Ruth Lalruatfeli, learned counsel for the respondents, on the other hand, submits that she needs to take instructions from his clients in the matter. However, considering the fact that the cause of action admittedly survives and that it was due to the late knowledge of the applicant about the death of respondent No. 1, the delay has been occasioned. Therefore, upon considering the submissions made by the learned counsels

for the parties and upon perusal of the application, this Court is inclined to condone the delay of 162 days in filing the connected substitution application.

Accordingly, a delay is condoned and the application stands allowed.

JUDGE

Comparing Assistant