

GAHC030006022023



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

**Case No. : RFA/30/2023**

Sh. P.B. Lalparliana and Anr.  
S/o B. Vanlalthuama (L)  
R/o Muallungthu  
Aizawl District  
Mizoram

2: Smt. B. Lalthakimi  
D/o B. Vanlalthuama (L)  
R/o Muallungthu  
Aizawl District  
Mizoram  
VERSUS

Smt. Lalhlanmawii  
W/o B. Vanlalthuama (L)  
R/o Tuithiang  
Aizawl  
Mizoram

Advocate for the Petitioner : Mr. T Lalnunsiana  
Advocate for the Respondent : Mr C Lalfakzuala

RFA/44/2023

Smt. Lalhlanmawii  
W/o B. Vanlalthuama (L),  
R/o Tuithiang, Aizawl, Mizoram

VERSUS

Sh. P.B. Lalparliana and Anr.  
S/o B. Vanlalthuama (L),

R/o Muallungthu, Aizawl District, Mizoram 2:Smt. B. Lalthakim

**Advocate for the Petitioner** : Mr C Lalfakzuala

**Advocate for the Respondent** : Mr. T Lalnunsiana

Linked Case : I.A.(Civil)/139/2023

Smt. Lalhlanmawii  
W/o B. Vanlalthuama (L)

R/o Tuithiang Veng  
Aizawl  
Mizoram

VERSUS

Sh. P.B. Lalparliana and Anr.  
S/o B. Vanlalthuama (L)

R/o Muallungthu  
Aizawl District  
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D/o B. Vanlalthuama (L)

R/o Muallungthu  
Aizawl District  
Mizoram

Advocate for the Petitioner : Mr C Lalfakzuala  
Advocate for the Respondent : Mr. T Lalnunsiana

Linked Case : I.A.(Civil)/159/2023

Sh. P.B. Lalparliana and Anr.  
S/o B. Vanlalthuama (L)

R/o Muallungthu  
Aizawl District  
Mizoram

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D/o B. Vanlalthuama (L)

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Aizawl District  
Mizoram  
VERSUS

Smt. Lalhlanmawii  
W/o B. Vanlalthuama (L)

R/o Tuithiang  
Aizawl  
Mizoram

Advocate for the Petitioner : Mr. T Lalnunsiana  
Advocate for the Respondent : Mr C Lalfakzuala

Linked Case : RFA/46/2023

Smt. Lalhlanmawii  
W/o B. Vanlalthuama (L)  
R/o Tuithiang  
Aizawl  
Mizoram

VERSUS

Sh. P.B. Lalparliana  
S/o B. Vanlalthuama (L)  
R/o Muallungthu  
Aizawl District  
Mizoram

Advocate for the Petitioner : Mr C Lalfakzuala  
Advocate for the Respondent : Mr. T Lalnunsiana

Linked Case : RFA/45/2023

Smt. Lalhlanmawii

W/o B. Vanlalthuama (L)

R/o Tuithiang  
Aizawl  
Mizoram

VERSUS

Sh. P.B. Lalparliana and Anr.  
S/o B. Vanlalthuama (L)

R/o Muallungthu  
Aizawl District  
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D/o B. Vanlalthuama (L)

R/o Muallungthu  
Aizawl District  
Mizoram

Advocate for the Petitioner : Mr C Lalfakzuala  
Advocate for the Respondent : Mr. T Lalnunsiana

Linked Case : I.A.(Civil)/100/2023

Sh. P.B. Lalparliana and Anr.  
S/o B. Vanlalthuama (L)  
R.o Muallungthu  
Aizawl District  
Mizoram

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D/o B. Vanlalthuama (L)  
R/o Muallungthu  
Aizawl District  
Mizoram  
VERSUS

Smt. Lalhlanmawii  
W/o B. Vanlalthuama (L)  
R/o Tuithiang  
Aizawl  
Mizoram

Advocate for the Petitioner : Mr. T Lalnunsiana  
Advocate for the Respondent : Mr C Lalfakzuala

Linked Case : I.A.(Civil)/99/2023

Sh. P.B. Lalparliana and Anr.  
S/o B. Vanlalthuama (L)  
R/o Muallungthu  
Aizawl District  
Mizoram

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Mizoram  
VERSUS

Smt. Lalhlanmawii  
W/o B. Vanlalthuama (L)  
R/o Tuithiang  
Aizawl  
Mizoram

Advocate for the Petitioner : Mr. T Lalnunsiana  
Advocate for the Respondent : Mr C Lalfakzuala

Linked Case : I.A.(Civil)/148/2023

Smt. Lalhlanmawii  
W/o B. Vanlalthuama (L)  
R/o Tuithiang Veng  
Aizawl  
Mizoram

VERSUS

Sh. P.B. Lalparliana

S/o B. Vanlalthuama (L)  
R/o Muallungthu  
Aizawl District  
Mizoram

Advocate for the Petitioner : Mr C Lalfakzuala  
Advocate for the Respondent :

Linked Case : I.A.(Civil)/138/2023

Smt. Lalhlanmawii  
W/o B. Vanlalthuama (L)

R/o Muallungthu  
Aizawl District  
Mizoram

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Aizawl District  
Mizoram

Advocate for the Petitioner : Mr C Lalfakzuala  
Advocate for the Respondent : Mr. T Lalnunsiana

**BEFORE  
HONOURABLE MRS. JUSTICE MARLI VANKUNG  
ORDER**

**Date : 03-04-2024**

Heard Mr. T. Lalnunsiam, learned counsel for the appellants along with Ms. Mercy Lalhriattluangi, learned counsel for the respondent.

The instant Regular First Appeal filed under Section 17(1)(b) of the Mizoram Civil Courts Act, 2005 is against the impugned Order dated 21.04.2023 passed by the learned Senior Civil Judge-III, Aizawl Judicial District, Aizawl in Heirship Certificate Application No. 473/2023.

The learned counsel for the appellants submits that in the instant case, though it appears that notice was issued through Newspaper publication, Vanglaini dated 21.03.2023 however, the appellants were not aware of the notice that was issued with regards to the application made by the respondents for issuance of the Heirship Certificate in respect of the properties of the deceased B. Vanlalthuama. The learned counsel submits that the instant appeal is filed since the properties mentioned in the Heirship Certificate issued to the respondents had already been decided in favour of the appellants, who are the children of the deceased B. Vanlalthuama in Probate Case No. 6/2023.

The learned counsel further submits that at the time when the application for Heirship Certificate was made, the respondent was well aware of the Will executed by the deceased B. Vanlalthuama, however, notice was not issued to the appellants and thus submits that in view of the above, the Heirship Certificate Application No. 473/2023 is liable to be set aside since the appellants were not given the opportunity of being heard.

Ms. Mercy Lalhriattluangi, learned counsel for the respondent in all fairness submits that in view of the mentioned Will executed by the deceased B.

Vanlalthuama, wherein the properties are the same as the properties mentioned in the Heirship Certificate, she does not object to the matter being remanded back to the learned Trial Court.

Having heard the submissions made by the learned counsels for both the parties and considering the fact that the Heirship Certificate Application No. 473/2023 was issued in respect of the properties of the deceased B. Vanlalthuama, which are also said to be mentioned in a Will said to be executed by the deceased B. Vanlalthuama, this Court finds that the instant appellants are interested parties and should have been given an opportunity of being heard in the instant application for Heirship Certificate.

In view of the above, the impugned Order dated 21.04.2023 is set aside and the matter is remanded back to the learned Trial Court for denovo trial and the appellants be given an opportunity to file their objections and be heard.

Accordingly, RFA No. 30/2023 stands allowed and disposed of.

**JUDGE**

**Comparing Assistant**