

GAHC030006532023



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

**Case No. : RFA/48/2023**

Sh. David Lalremsiama  
S/o J. Pazawna, R/o Hlimen, Aizawl

**VERSUS**

Sh. Malsawmzuala  
S/o Lalfamkima (L), R/o Field Veng, Mamit District

**Advocate for the Petitioner** : Ms Dinari T Azyu

**Advocate for the Respondent** : Mr. P C Lalhangmawia

Linked Case : I.A.(Civil)/153/2023

Sh. David Lalremsiama  
S/o J. Pazawna  
R/o Hlimen  
Aizawl

**VERSUS**

Sh. Malsawmzuala  
S/o Lalfamkima (L)  
R/o Field Veng  
Mamit District

**Advocate for the Petitioner** : Ms Dinari T Azyu

Advocate for the Respondent : Mr. P C Lalthangmawia

**B E F O R E**  
**HON'BLE MRS. JUSTICE MARLI VANKUNG**  
**O R D E R**

**27.08.2024**

Heard Mr. Heard Mr. Victor L. Ralte, learned counsel for the appellant along with Ms. Lalrinthari, learned counsel for the sole respondent.

The learned counsel for the appellant submits that the parties have come to an amicable settlement on 17.05.2024, wherein it was agreed that the reconstruction of the Dindin Filling Station, Kanhmun, Mamit District will be undertaken in the name of the appellant and that the profit will be divided into 4 shares, wherein Mr. Laltawnga, father of the deceased Lalmuankimi, Rodingliani, mother of the deceased Lalmuankimi and Malsawmzuala nephew of the deceased Lalmuankimi (respondent No.1) will be given one share each and the appellant David Lalremsiama will be getting one share.

The learned counsel further submits that since the parties had come to an amicable settlement, he prayed that the impugned Heirship Certificate issued by the Court of Civil Judge (Senior Division) Mamit District, Mamit may be set aside and the Heirship Certificate may be issued in favour of the appellant for necessary steps to be taken by the appellant in terms of the agreement arrived by the parties on 17.05.2024. The copy agreement dated 17.05.2024 is to be made as a part of the record and marked as 'X'.

Ms. Lalrinthari, learned counsel for the respondent submits that they have no objection to the prayer and submission made by the learned counsel for the appellant since the parties have come to an amicable settlement dated 17.05.2024.

In view of the submission, this Court finds it fit to set aside the Heirship Certificate Application No.46/2023 issued under Section 30(3) of the Mizo Marriage, Divorce and Inheritance, Property Act, 2014 dated 3<sup>rd</sup> Nov. 2023 in Memo No.464/HC/CJ/(Sr.Division)(M)/2023 dated Mamit dated 3.11.2023 and as agreed by the parties, Heirship Certificate may be issued in the name of David Lalremsiama, the appellant. The parties are thus to approach the learned Civil Judge (Senior Division) Mamit District, Mamit for further necessary steps in terms with this court's order.

Accordingly, RFA No.48 of 2023 stands allowed and disposed of along with the connected I.A.(Civil) No.153/2023.

**JUDGE**

**Comparing Assistant**