

GAHC020003072023



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

Case No. : I.A.(Civil)/72/2023

THE JOINT CONTROLLER OF COMMUNICATION ACCOUNTS
DEPARTMENT OF TELE COMMUNICATION-NE-II CIRCLE

VERSUS

SMTI. GHOTONI AYE AND 3 ORS
W/O LATE NZAMO LOTHIA, R/O XUVIHE COLONY, DIMAPUR, NAGALAND

Advocate for the Petitioner : YANGER WATI

Advocate for the Respondent :

**BEFORE
HON'BLE MR. JUSTICE BUDI HABUNG**

ORDER

Date : 28-05-2024

Heard Mr. Yangerwati, learned counsel for the applicant. Also heard Mr. Khampei, learned counsel for the respondent no. 1.

The learned counsel for the applicant submits that he has taken steps upon the respondent nos. 2, 3 and 4 by way of substituted notice by publishing in one local daily newspaper, i.e., "Nagaland Post" on 03.05.2024.

The original copy of the newspaper publication has been produced by way of filing an affidavit as an evidence of the newspaper publication and I have perused the same.

Mr. Khampei, learned counsel for the respondent no. 1 is present. However, no one appears on behalf of the respondent nos. 2, 3 and 4.

This is an application under Section 5 of the Indian Limitation Act, 1963 praying for condonation of delay of 668 days in filing the connected civil revision petition and the ground of delay in filing the connected appeal has been stated in paragraph 6 and 7 of the application. The petitioner has been able to satisfy that he had a sufficient cause for not preferring the connected civil revision petition within the stipulated period of time.

Moreover, the learned counsel for the respondent no. 1 has no

objection if the delay of 668 days in filing the connected civil revision petition is condoned. The respondent nos. 2, 3 and 4 are not represented despite of notice served upon them by newspaper publication. It appears that the respondent nos. 2, 3 and 4 have also no objection in condoning the delay of 668 days.

In view of the above, the delay of 668 days in filing the connected civil revision petition is hereby condoned.

With the above, this IA stands allowed and disposed of.

Sd/-
JUDGE

Comparing Assistant