

GAHC020004242024

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

Case No. : I.A.(Civil)/115/2024

PRINCIPAL SECRETARY
DEPARTMENT OF ENVIRONMENT
FOREST AND CLIMATE CHANGE AND 2 ORS
CIVIL SECRETARIAT
NAGALAND KOHIMA

2: THE PRINCIPAL CHIEF CONSERVATOR OF FOREST AND HOFF
NAGALAND KOHIMA

3: THE DIVISIONAL FOREST OFFICER
KOHIMA DIVISION
KOHIMA NAGALAND
VERSUS

SHRI KHRIESALIE SORHIE
S/O LATE LHOU PHI SORHIE
R/O L.KHEL
KOHIMA VILLAGE
KOHIMA NAGALAND

Advocate for : L. IRALU
Advocate for : appearing for SHRI KHRIESALIE SORHIE

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

ORDER

Date : 14-10-2024

Heard Mr. L. Iralu, learned counsel for the applicant. I have also heard Ms. Rovimeno Thou, learned counsel appearing on behalf of the opposite party.

This is an application under Section 5 of the Limitation Act, 1963 praying for condonation of delay of 63 days in filing the connected Civil Revision petition against the impugned order dated 28.02.2024 passed by the learned Civil Judge Senior Division, Kohima in I.A.(Civil)/18/2022 arising out of Title Suit No. 01/2022 whereby the applicant's application under Order VII Rule 11 CPC was dismissed.

The grounds for delay in preferring the connected appeal has been stated in paragraphs 4.1 to 4.9, 5 and 6 of the application. The grounds stated amongst others is that the earlier Advocate who represented the applicant/department after passing of the impugned order dated 28.02.2024 did not properly advise the Department to prefer revision against the impugned order and the said counsel also did not appear before the court on 12.06.2024 due to which the suit has been decided to proceed further without giving opportunity to the defendant/applicant herein.

Thereafter, the department has engaged the present counsel who instructed the department to collect all the necessary documents

pertaining to the suit for filing written statement and for preferring the civil revision petition and in the process there has been delay of about 63 days in preferring the connected revision petition. The learned counsel for the applicant submits that the delay was not intentional and deliberate and the delay caused was beyond the control of the applicant, hence, prays for condoning the delay of 63 days in preferring the connected revision petition.

On the other hand, the learned counsel for the opposite party has opposed condoning the delay of 63 days on the ground that the applicant is adopting a delay technique and by doing so, the applicant is abusing the process of law. Hence, the delay may not be condoned and prays for dismissal of the present application.

Having heard the parties, and upon consideration, I am of the opinion that the applicant/department has been able to show sufficient cause for not preferring the connected revision petition within the stipulated period of time. In view of the above, an opportunity can be given to the applicant/department to file revision petition.

Accordingly, the delay of 63 days in preferring the connected revision petition is hereby condoned.

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

JUDGE

Comparing Assistant