GAHC030000062016

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

Case No. : RFA/10/2016

Dr TC Hmingthangi
Chaltlang, Tatkawng Veng, Aizawl

VERSUS

Lalhlupuii Sailo and 2 Ors
Bazar Veng, Lunglei 2:Dr. T Lalrintluanga

3:T Linda Lalchhingpui

Advocate for the Petitioner : Mr C Lalramzauva, Sr. Adv.

Advocate for the Respondent : Ms Dinari T Azyu for R1-R2

BEFORE
HONORABLE MRS. JUSTICE SHAMIMA JAHAN
ORDER

Date : **14.07.2026**

Heard Mr. C. Lalramzauva, learned Senior Counsel assisted by Mr. Stephen Lalbuatsaiha, for the appellant. Also heard Ms. C. Lalruatfeli, learned Counsel on behalf of Ms. Dinari T. Azyu, learned Senior Advocate for respondent no.1 and 2 and Mr. Aldrin Lallawmzuala for respondent no.3.

2. This is an appeal filed under Section 17(2)(b) of the Mizoram Civil Courts'

Act, 2005 challenging the judgment and order dated 15.01.2016 passed by the learned Senior Civil Judge, Aizwal in Heirship case No. 251 of 2009.

3. The case of the appellant namely Dr. T.C. Hmingthangi is that the aforesaid Heirship Case being Heirship Case no. 251/2009 was filed by the respondents being respondent no.1 and 2 in the present appeal namely Sri. T. Lalnunpuia and Dr. T Lalrintluanga against the appellant and Smti. T. Linda Lalchhingpuii. It is the further case of the appellant that respondent no.1 and 2 refused to look after and maintain their mother after their mother was divorced by their father. The respondents in fact opted to stay with the father and the appellant and respondent no.3 stayed with the deceased mother. Under the Mizo Customary Law, although no provision is made for inheritance of mother's property but it is a practice that whoever looks after and maintain the mother, the entire property of the mother vests in them. The mother of the appellant and the respondents expired on 09.01.2009 and after the death of the mother, there was dispute with regard to distribution of her land between the children and in view of the same, the Heirship Case was filed by the respondents as mentioned above. The Trial Court after hearing all the parties apportioned the landed properties of the said mother between both the appellant and the respondents. Being aggrieved by the Trial Courts order, the appellant filed the appeal.

4. The Trial Court by order dated 15.01.2016 had declared that respondent no.1 and 2 being the legal heir of the deceased mother Smti. C. Rosiamliani shall divide amongst themselves three numbers of properties:

i) Landed property at Muthi Ram near Teirei.

ii) Property under LSC no. 89 of 1976 at Lunglei-Parallel Road.

iii) Property located at Lunglei Kikawn near Baptist Church.

5. The Trial Court had also declared the appellant and respondent no.3 as legal heir of the deceased mother named above and directed that four numbers of properties should be distributed amongst them and they were

i) Property under LSC No. 2340 of 1987 and LSC No. 2351 of 1987 near Zuangtui ram.

ii) Property under LSC No. 408/1981, a two storied RCC building at Bawngkawn.

iii) Property under LSC No. 515 of 1985 and LSC No. 516 of 2004 near Lunglei Bazaar Baptist Church, and

iv) A property situated at Rangvamual Ramah.

6. The learned Trial Court had also directed that Heirship Certificates should be issued to the respective parties and the original property documents should also be given back to the rightful heirs as mentioned in the said order.

7. The appellant being aggrieved with the said order which according to her was not as per law filed the instant appeal being RFA No. 10/2016. The appellant states that during the pendency of the instant appeal, respondent no.1 expired and in his place, his wife was substituted as respondent no.1. During the pendency of the instant appeal, the case was sent for mediation and during the mediation conducted by the mediator, the parties entered into a settlement and the mediation report was prepared. In the said report all the four parties i.e. four children of the deceased mother had put their signatures in presence of the mediator.

8. All the four parties i.e. the appellant and respondent no.1, 2 and 3 have entered into a settlement as mentioned below:

i) Wife of Late Sri. T. Lalnunpuia, who was substituted as respondent no.1, on death of her husband as stated above was given the property under LSC No. 293/1988 covering an area of 581 sq. feet as well as the property under LSC No. 515/1985 covering an area of 1833 sq feet. It was further agreed upon that the land revenue tax paid by the appellant amounting to Rs. 3888/- shall be reimbursed to the appellant by her.

ii) It was agreed upon that respondent no.3 namely Smti. T. Linda Lalchhingpuii be given the property under Certificate of Agricultural Land Settlement No. 102804/12/43 of 2003 Mutthi near Teirei, covering an area of 14.96 bigha as well as a property under LSC No. Azl-2351 of 1987 covering an area of 0.83 bigha. Further it was agreed upon that the land revenue tax paid for the years 2017-2026 amounting to Rs. 6000/- in respect of the first property shall be reimbursed to the appellant by her and in respect of the second property i.e. under LSC No. Aizwal 2351/1987, the land revenue tax paid by the appellant amounting to Rs. 7610/- shall also be reimbursed to her by the said respondent no.3.

iii) It was thereafter agreed upon that respondent no.2 namely Dr. T. Lalrintluanga would be settled with the property under LSC No. Aizawl-2340 of 1987 covering an area of 0.69 bigha and it was further agreed upon that the land revenue tax paid for the year 2017-2026 amounting to Rs. 6920/- shall be reimbursed to the appellant by the said respondent no.2. It was also agreed upon that the property under LSC No. 89/1976 near Lunglei Parallel Road, covering area of 0.38 bighas should also be given to the said respondent i.e. respondent no.2. It was further agreed that the housing loan incurred by the mother namely Smti. C. Rosiamliani amounting to Rs. 45,128/-, which was paid by the appellant should be reimbursed to the appellant by this respondent being

respondent no.2. It was further agreed upon that the rent of the house standing on the said property shall be collected by the wife and children of Late T. Lalnunpuia and it was also agreed upon that whenever the house is reconstructed due to wear and tear, the said children will continue to collect the rent for one floor of the said house.

iv)The appellant was by the said settlement given the property under LSC No. 408/1981 i.e. two storey RCC building located at Bawngkawn within an area of 0.21 bigha. He was also given the property under LSC No. 516 of 1985 located near Lunglei Bazaar Baptist Church covering an area of 0.20 bigha. The appellant was also given the property covering under LSC No. Azl-2994 of 1989 located at Sakawrtuichhun (Above the road between Rangvamual and the BRTF camp) covering an area of 0.27 bigha.

11. These are the properties which belonged to the mother namely Smti. C. Rosiamliami and were distributed amongst the four number of children mentioned above.

12. During the said mediation proceeding, the appellant had produced the passes before the mediator and it was found that the passes were not mutated in anyone's name and neither it was sold to the third party. It was also seen by the mediator that all the land passes were in possession of the appellant and the parties have agreed that the passes will be handed over to each of them according to the said settlement.

13. With the above terms of settlement, the mediation report was submitted.

14. I have heard the counsels for all the parties present today and they have reiterated that they are agreeable with the settlement entered into and the agreement that was prepared by the mediator.

15. In view of the same, this first appeal is disposed of in terms of the settlement reached between the parties as reflected in the mediation order.

16. This appeal is disposed of.

JUDGE

Comparing Assistant