GAHC030000412026

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

Case No. : RFA/2/2026

Smt. C. Thangpuii
W/o K. Lalmawia (L), R/o Durtlang, Aizawl, Mizoram

VERSUS

Sh. K. Lalthlamuanpuii represented by her mother Lalnunmawii
D/o K. Lalchhunga (L), R/o Durtlang, Aizawl, Mizoram

Advocate for the Petitioner : Mr. Zodinpuia Hnamte

Advocate for the Respondent : Mr. C Tlanthianghlima (Legal Aid Counsel)

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA
JUDGMENT / ORDER

Date : **28.07.2026**

1. Heard Mr. Zodinpuia Hnamte, learned counsel for the appellant. Also heard Mr. C. Tlanthianghlima, learned Legal Aid Counsel, appearing for the respondent.

2. The appellant has filed this appeal against the impugned order dated 07/11/2025 passed by the Court of the learned Civil Judge (Senior Division-3), Aizawl, in Heirship Certificate Application No. 1029/2025.

3. The learned counsel for the appellant submits that the learned Trial Court has rejected the Heirship Certificate Application submitted by the appellant, without giving any reason for the same and after the respondent had filed her written objection to the grant of Heirship Certificate to the appellant.

4. The impugned order dated 07/11/2025 passed in Heirship Certificate Application No. 1029/2025, is reproduced herein below as follows :-

"*1. This is Heirship Certificate Application No. 1029 of 2025 filed by applicant U/s 30(3) of the Mizo Marriage, Divorce and Inheritance of Property Act, 2014 in respect of LSC No. Azl-576 of 1087 and LSC No. 881 of 1987 which are located at Durtlang, Aizawl, Mizoram left by deceased K. Lalmawia who had passed away on 07.11.2022. The petitioner is the wife of the said deceased.*

2. K. Lalthlamuanpuii represented by her mother Lalnunmawii D/o K. Lalchhunga (L) R/o Durtlang, Aizawl, Mizoram through her Legal Aid Counsel namely R.K. Lalrinsangi submitted Written Objection to the application in the court. Therefore, the instant application is hereby rejected.

3. With the above order, the Heirship Certificate Application No. 1029 of 2025 stands disposed of.

5. A perusal of the impugned order shows that a final order has been passed in relation to the Heirship Certificate Application No. 1029/2025 by the learned Trial Court, without giving any reasons for the same.

6. It is the bounden duty of the Trial Court to pass an order with reasons. The same not being done, the impugned order is unsustainable in law. The same is accordingly set aside.

7. The case is remanded back to the learned Trial Court to take a fresh decision, only after giving reasons for the same.

8. The learned Trial Court shall proceed with the Heirship Certificate Application No. 1029/2025 after issuing notice to the respondent therein.

9. In appreciation of the assistance provided by the learned Legal Aid

Counsel, his fee shall be paid by the Mizoram State Legal Service Authority.

JUDGE

Comparing Assistant