GAHC010168682019

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

Case No. : I.A.(Civil)/3005/2019

SRI JAGADISH DAS
S/O- LATE LAKHESWAR DAS, R/O- VILL.- BONGAON, MAJHIPARA, BELTOLA, GUWAHATI- 781028, P.O. BELTOLA, P.S. BASISTHA, DIST.- KAMRUP(M), ASSAM.

VERSUS

SMTI. JUTIKA DAS
W/O- SRI JAGADISH DAS, R/O- VILL.- SAMUGURI, P.O. BAJIA GAON, P.S. KHATUWAI, DIST.- NAGAON, ASSAM, PIN- 782140.

Advocate for the Petitioner : MR. N N JHA

Advocate for the Respondent : MR. M P BORAH

Linked Case : I.A.(Civil)/277/2020

JUTIKA DAS
D/O- LATE MOHENDRA NATH DAS
R/O- VILL- SAMGURI
P.O. BAJIA GAON
P.S. KHATUWAL
DIST.- NAGAON
ASSAM
PIN- 782140.

VERSUS

SRI JAGADISH DAS
S/O- LATE LAKHESWAR DAS
R/O- VILL.- BONGAON
MAJHIPARA
BELTOLA
GUWAHATI- 781028
P.O. AND P.S. BELTOLA
DIST.- KAMRUP(M)
ASSAM.

Advocate for : MR. M P BORAH
Advocate for : MR. N N JHA appearing for SRI JAGADISH DAS

Linked Case :

SRI JAGADISH DAS

VERSUS

SMTI. JUTIKA DAS

Advocate for :
Advocate for : appearing for SMTI. JUTIKA DAS

Linked Case :

SRI JAGADISH DAS

VERSUS

SMTI. JUTIKA DAS

Advocate for :
Advocate for : appearing for SMTI. JUTIKA DAS

BEFORE
HONOURABLE THE CHIEF JUSTICE (ACTING)
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 11-12-2020
[N. Kotiswar Singh, CJ (Acting)]

Heard Mr. M. Beria, learned counsel for the applicant. Also heard Mr. M.P. Borah, learned counsel for the respondent.

This is an application for condonation of delay of 62 days in preferring the connected appeal. The grounds for condonation of 62 days delay have been stated in paragraph 6 and 7 of the application stating that the applicant is a diabetic patient and he remains under constant medication. Moreover, he has to take care of his minor child and, as such, some delay has occurred.

We are satisfied with the reasons assigned for the aforesaid delay and accordingly, the delay of 62 days in filing the connected appeal is condoned.

Accordingly, the present application is allowed.

However, we have noted that there is a stay order passed by this Court on 06.01.2020 before the condonation of the delay.

We have also heard learned counsel for the parties as regards the continuation of the interim order. The appeal is preferred against the direction of the Family Court-II, Kamrup (M) granting a permanent alimony of Rs. 4,00,000/- with permission to pay the same within 3 (three) months and in 3 (three) installments. We do not feel that such an amount is too harsh or unreasonable to be stayed by this Court before admission of the appeal.

In view of the above observation, we vacate the earlier interim order passed on 06.01.2020.

Registry to register the appeal.

The I.A. stands accordingly, disposed of.

JUDGE **CHIEF JUSTICE (ACTING)**

Comparing Assistant