GAHC040005262026 2026:GAU-AP:1144

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

**Case No. : CRP/23/2026**

Yomto Jini
Son of Late Rayom Jini, resident of Old Market, Aalo, PO and PS Aalo, West Siang District, Arunachal Pradesh

VERSUS

Dangmo Lollen and Anr
Son of Shri Dugdak Lollen, resident of Kombo Jirdin Village, PO and PS Aalo, West Siang District, Arunachal Pradesh.

2:Moli Lollen
Age: 23
Occupation :
Son of Dangmo Lollen
resident of Kombo Jirdin Village
PO and PS Aalo
West Siang District
Arunachal Pradesh

**Advocate for the Petitioner** : Nikita Danggen, Atong Nangu,Karmu Chotton,Oken Duggong,Phurpa Wangmu,Nani Kuru,Baby Palon,Kirpi Nyorak

**Advocate for the Respondent** : Kemo Lollen, D Ado,Geli Taye,Maryum Sora

## -BEFORE-

## HON'BLE MRS. JUSTICE YARENJUNGLA LONGKUMER

Advocate for the petitioner : Ms. Nikita Danggen

Advocate for the respondents : Mr. Kemo Lollen

Date on which judgment is reserved :10.11.2026

Date of pronouncement of judgment : 12.11.2026

Whether the pronouncement is of the Operative part of the judgment ? : No

Whether full judgment has been pronounced ? : Yes

**JUDGMENT & ORDER (CAV)**

**Date : 12-11-2026**

The instant civil revision petition under section 115 CPC read with Article 227 of the Constitution of India has been filed by the petitioner against the impugned order dated 02.03.2026 passed by thelearned Civil Judge Senior Division, Aalo in Misc. Case No.35/2025 arising out of Civil Appeal 14/2025 whereby the delay of 122 days in filing the Civil Appeal was not condoned by the Court below.

**2.** Heard learned counsel for the petitioner Ms. Nikita Danggen. Also heard Mr. Kemo Lollen, learned counsel for the respondents.

**3.** The facts leading to the filing of the revision petition is that the petitioner is the judgment debtor of the Keba order dated 19.09.2024 passed by the village authority of Kombo-Jirdin village, West Siang district by which the petitioner has been directed to pay an amount of Rs.71,02,890/- in three instalments within a period of six months. Out of the total Rs.71,02,890, Rs.52,00,665/- was stated to be the amount invested by the respondent with interest in the stone crushing machine and Rs.19,02,225/- with interest was stated to be for the loan taken by

the petitioner and respondent from a third party.

**4.** The subject of the dispute was a partnership business between the appellant and the respondent. In connection with the dispute a complaint was filed by the respondent before the village authority of Kombo-Jirdin village. The copy of the Keba order dated 19.09.2024 passed by the village authorityof Kombo-Jirdin village was received by the petitioner in the month of September 2024 itself and after going through the same the petitioner decided to file an appropriate petition before the village authority to re-consider the same.

**5.** The petitioner therefore filed an application dated 08.10.2024 before the village authority seeking review of the Keba order dated 19.09.2024. However, the review application was not taken up and was kept pending inspite of repeated requests. Since there was no outcome on the review application, the petitioner filed another application dated 21.04.2025 for withdrawal of the review petition with liberty to file appropriate application before a regular civil Court.

**6.** Under such circumstances a delay of 122 days had been caused while waiting with a bonafide expectation that the review application would be heard by the village authority. When the review was not taken up by the village authority, the petitioner consulted a lawyer and he was apprised that a review does not lie against the decision of the village authority and therefore he decided to file an appeal against the Keba order and the same has been filed without further delay accompanied by an application for condonation of delay of 122 days. However, the learned Civil Judge Senior Division West Siang district, Aalo has dismissed the Misc Case No.35/2025 for condonation of delay on the ground that the petitioner failed to show sufficient cause andthere was lack of good faith or due diligence on his part in conducting his case. The learned Trial

Court arrived at the said conclusion mainly on the ground that the petitioner failed to prove that the review petition before the village authority was indeed filed on 08.10.2024 or that the withdrawal petition was filed on 21.04.2025. The Court held that the purported review and withdrawal petition were filed before the concerned head GB only on 27.04.2025 with an intention to escape the rigors of the limitation law. It was further held that even assuming that a review petition was filed against a Keba decision, it would not entitle the petitioner to the benefit of approaching the wrong forum as there is no provision for review by the village authority under the Arunachal Pradesh Civil Courts Act. The Court further held that the petitioner had partially complied with the Keba decision by paying Rs.12,20,000/- which clearly indicates that the petitioner had already accepted the impugned decision and the filing of the civil appeal was an afterthought triggered by his inability to discharge the remaining decretal amount rather than a timely objection on the merits of the case.

**7.** Being highly aggrieved by the impugned 02.03.2026, the petitioner is before this Court assailing the order on the ground that the Court below has taken a hyper technical view regarding the grounds of delay and has not exerciseditsdiscretion properly for the purpose of condonation of delay.

**8.** The learned counsel for the petitioner submits that the Court below did not accept the filing of the review petition and the withdrawal before the village authority without calling for the records but rather blindly accepted the statement made by the respondent without proper consideration.

**9.** Learned counsel submits that the petitioner is a layman without adequate knowledge about legal procedures and had filed the review petition under a bonafide belief that the village authority had such jurisdiction. It was only when a lawyer was consulted the petitioner came to know that he was approaching

the wrong forum, however, the Court below did not consider this fact in its right perspective.

**10.** Learned counsel further submits that the learned Court below erroneously held that section 14 of the limitation Act would not come to the aid of the petitioner for the purpose of condonation of delay in view of the fact that review provision is not available as per the Assam Frontier (Administration of Justice) Regulation 1945 in case of orders passed by village authorities. Learned counsel submits that the law is well settled that for the purpose of section 14 of the Limitation Act, it is immaterial whether the proceeding claimed by a party in a forum by mistake is a right granted under the relevant statute.

**11.** It is further submitted that the learned Court below had erroneously come to a conclusion that the civil appeal itself had no merit in view of the purported part payment of the decretal amount by the petitioner, whereas the payment of Rs.10,00,000/- on 17.12.2024 and Rs.2,20,000/- on 02.02.2025 were deposited towards the loan taken by both the parties from another third party and not to the respondent. The learned Court below by dismissing the application for condonation of delay has chosen to consider technicalities over adjudicating the case on merits. Learned counsel submits that the Court below should have taken a lenient view of the matter and should have condoned the delay in order to hear the appeal on merits.

**12.** Learned counsel relies on the case of *State of Nagaland vs Lipok Ao and others, (2005) 3SCC 752,* wherein the Supreme Court held that what constitutes sufficient cause cannot be laid down by hard and fast rules. The discretion given by section 5 of the Limitation Act should not be defined or crystalised so as to convert a discretionary matter into a rigid rule of law. The expression 'sufficient cause' should receive a liberal construction. The true guide for a Court to

exercise the discretion under section 5 is whether the appellant acted with reasonable diligence in prosecuting the appeal. It was further held that unless a want of bonafides of such inaction or negligence as would deprive a party of the protection of section 5 is proved, the application must not be thrown out or any delay cannot be refused to be condoned.

**13.** Learned counsel has also relied on the case of *Purni Devi and another vs Baburam and Anr*reported *2024 SCC Online SC 482,* in which the Supreme Court was of the view that the phrases 'due diligence' and 'good faith' only mean that the party who invokes section 14 should not be guilty of negligence, lapses or inaction. Further, there should be no pretended mistake intentionally made with a view to delaying the proceedings or harassing the opposite party. The expression '*the time during which the plaintiff has been prosecuting with due diligence another civil proceeding'* needs to be construed in a manner which advances the object sought to be achieved, thereby advancing the cause of justice.

**14.** Learned counsel further relies on the case of *Jiaur Rahman vs Sofiya Begum* and others reported in (*2023) 2 GLR 36*, wherein a co-ordinate bench of this Court considered the principles of limitation and the applicability of section 14 of the Limitation Act, 1963. In the cited case the co-ordinate Bench held that the delay was caused due to pursuing a review petition which was not available in law as per the Motor Vehicles Act. However, the Court found that a major part of the delay was covered in the process of pursuing the review petition and therefore condoned the delay of 497 days. Similarly, in the instant case the petitioner was pursuing a review petition which was not available in law and due to which the delay of 122 days was caused. Moreover, the Supreme Court in the case of *Consolidated Engineering Enterprises vs The Principal Secretary*

*Irrigation Department, (2008) 7SCC 169,* held that the expression`*time during which the plaintiffhas been prosecuting with due diligence another civil proceeding'* needs to be construed in a manner which advances the subject sought to be achieved, thereby advancing the cause of justice.

**15.** In the backdrop of the above submission, the learned counsel prays that the impugned order dated 02.03.2026 passed by the learned Civil Judge Senior Division, West Siang district,Aalo in Misc.Case 35/2025 may be quashed and set aside and the learned Court below may be directed to hear the Civil Appeal 14/2025 on its own merit.

**16.** Per contra, the learned counsel appearing for the respondent by filing his affidavit-in-opposition has stated that after the Keba decision dated 19.09.2024, the petitioner had given a guarantee in written form stating that he accepted the Keba decision and promised to pay the decretal amount within a period of six months in three instalments. The Keba decision of 19.09.2024 was a consensus decision which was accepted by the petitioner. It is stated that only after filing of an execution petition, the petitioner on 27.04.2025 submitted the review application mentioning the date as 08.10.2024 and a withdrawal application mentioning the date as 21.04.2025 with an ulterior motive, through one Shri Limi Loyi. The said review and withdrawal applications were received by putting the date of receipt as 27.04.2025. The head GB in-charge of Kombo-Jirdin village also issued a clarification certificate stating that the petitioner had submitted the review application and withdrawal application on the same day i.e.27.04.2025 through one LimiLoyi.

**17.** Learned counsel for the respondent submits that the learned Court below has rightly observed that the petitioner filed the purported review and withdraw petitions before the village authorities only on 27.04.2025 with the intention to

escape the limitation. It is submitted that the only ground taken by the petitioner in the Misc. Case 35/2025 was that he was pursuing the review petition before the village authority whereas the purported review and withdraw petitions were filed only on 27.04.2025. Hence, the review petition as claimed by the petitioner was not pending before the village authority of Kombo-Jirdin village.

**18.** Another submission of the learned counsel for the respondent is that the petitioner has filed the instant civil revision petition with misleading statements and by supressing the material facts. It is submitted that the respondent had filed an execution petition before the Deputy Commissioner Aalo on 31.03.2025 for execution of the Keba decision dated 19.09.2024. And pursuant thereto, the Additional Deputy Commissioner Aalo had issued notice upon the present petitioner dated 05.05.2025 directing him to appear before the Court of ADC (HQ) Aalo on 30.05.2025 at 1030 hours without fail. Only after filing of the execution petition, the petitioner on 27.04.2025 submitted the review application mentioning the date as 08.10.2024 and withdrawal application mentioning the date as 21.04.2025 before the head GB in-charge, Kombo-Jirdin village with ulterior motive to circumvent the limitation. However, the petitioner has not stated anything about the execution proceedings in his petition and has obtained the interim order dated 10.04.2026 by supressing material facts.

**19.** It is submitted that the learned Court below has therefore rightly dismissed the condonation application filed by the petitioner on the ground that the application lacked sufficient cause and there was lack of good faith or due diligence on the part of the opposite party in conducting his case. Accordingly, learned counsel prays that the instant petition may be dismissed.

**20.** I have duly considered the rival submissions and perused the averments

made in the petition as well as the affidavit-in-opposition together with the materials on record.

**21.** The law relating to condonation of delay under section 5 of the Limitation Act is well settled. The expression 'sufficient cause' is required to receive a liberal construction so as to advance substantial justice. The approach of the Court ought not to be excessively technical or pedantic, particularly where the explanation furnished demonstrate that the litigant was bonafide pursuing a remedy and that the delay was not caused by deliberate inaction or want of due diligence.

**22.** In this context, reference may be made to the decision of the Supreme Court in the case of *Lipok Ao (Supra),* wherein the Supreme Court reiterated that the expression 'sufficient cause' should be considered with pragmatism in a justice-oriented approach rather than by adopting a technical approach requiring an explanation of everyday's delay. The Court further observed that when substantial justice and technical considerations are pitted against each other, the cause of substantial justice deserves to be preferred, provided that the delay is not attributable to deliberate inaction, culpable negligence or lack of bonafides.

**23.** The aforesaid principles have to be considered in the backdrop of the explanation furnished in the present case. The petitioner has not remained inactive or indifferent. Rather, the materials on record indicate that the petitioner has been pursuing the matter before another forum, albeit one which was subsequently found to be lacking in jurisdiction. The fact that the petitioner had approached another forum lends support to the assertion that there was an intention to pursue the legal remedy and that the delay in approaching the Court was not an account of abandonment of the claim or deliberate inaction.

**24.** It is also relevant to note that the principle underlying section 14 of the Limitation Act recognises the legislative intent of protecting a litigant who, while acting with due diligence and in good faith has been prosecuting proceedings before a forum which is unable to entertain the same on account of a defect of jurisdiction.

**25.** This Court is in agreement with the ratio laid down by the co-ordinate Bench in the case of *Jiaur Raman(supra)* where it was noted that when delay is caused due to pursuing a review petition which was not available in law, and a major part of the delay was covered in the process of pursuing the review petition, the principle of section 14 of the Limitation Act can be applied and thereby the delay of 497 days was condoned.

**26.** As far as the objections raised by the respondent with regard to the date of filing the review petition and the date of withdrawal of the review is concerned, there is no reasonable basis on which the learned Court below could have come to the conclusion that the petitioner had failed to prove that the review petition was indeed filed on 08.10.2024 and withdrawn on 21.04.2025 as the purported date of receipt of 27.04.2025 was the document of the respondents and not the petitioner.The purported clarification certificate issued by the head GB in-charge of Kombo-Jirdin village to the effect that the petitioner had submitted both the review application and withdrawal application on the same day i.e., 27.04.2025 through one LimiLoyi is produced only during the pendency of the instant petition. Infact,there was no basis for the Court below to accept the contention of the respondent over that of the petitioner as it was not a case where the court below had called for the concerned records from the village authority to prove the date of filing and the date of withdrawal of the Review.

**27.** In the fact and circumstances of the present case, this Court is of the

considered view that the petitioner's conduct, viewed as a whole does not indicate any deliberate or intentional delay in preferring the appeal. The petitioner appears to have pursued the remedy under a bonafide belief as to the competence of the forum approached and upon realising the lack of jurisdiction has taken steps to invoke the appellate jurisdiction of the Civil Judge Senior Division.

**28.** It is trite that the length of delay is not by itself decisive. What is material is whether the explanation furnished constitutes sufficient cause. Taking an overall view of the matter and adopting a pragmatic approach, this Court is inclined to take a lenient view in the matter. It is also to be borne in mind that condonation of delay would merely enable the appeal to be examined on its merits. The respondent would also have the opportunity to contest the appeal on all available grounds. On the other hand, refusal to condone the delay would result in the appellate remedy being shut out without examining the merits of the controversy.

**29.** Accordingly, this Court is satisfied that sufficient cause has been made out for condoning the delay of 122 days in filing the Civil Appeal 14/2025. The delay is condoned and the impugned order dated 02.03.2026 passed in Misc. Case 35/2025 is set aside. Further the learned Civil Judge Senior Division West Siang district, Aalo is directed to hear the Civil Appeal 14/2025 on its own merits.

**30.** The petition stands disposed of.

**JUDGE**

**Comparing Assistant**