GAHC010028252023

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

Case No. : I.A.(Civil)/2695/2023

DIPANKAR DHAR AND ANR.
S/O LATE DILIP KUMAR DHAR,
R/O LINK ROAD, HOUSE NO. 13, LANE NO. 9, P.S.- SILCHAR, DIST.- CACHAR, ASSAM.

2: DIPAYAN DHAR
S/O LATE DILIP KUMAR DHAR

R/O LINK ROAD
HOUSE NO. 13
LANE NO. 9
P.S.- SILCHAR
DIST.- CACHAR
ASSAM

VERSUS

KARUNA ROY AND 3 ORS.
S/O SRI KAJAL ROY,
PERMANENT RESIDENT OF SRIKONA BORO BAZAR, P.O.- SRIKONA, P.S.- SILCHAR, DIST.- CACHAR, ASSAM, PIN- 788026.

2:PALASH ROY
S/O SRI KAJAL ROY

PERMANENT RESIDENT OF SRIKONA BORO BAZAR
P.O.- SRIKONA
P.S.- SILCHAR
DIST.- CACHAR
ASSAM
PIN- 788026.

3:KUSHAL ROY
S/O SRI KAJAL ROY

PERMANENT RESIDENT OF SRIKONA BORO BAZAR
P.O.- SRIKONA
P.S.- SILCHAR
DIST.- CACHAR
ASSAM
PIN- 788026.

4:ASHOK ROY
S/O SRI KAJAL ROY

PERMANENT RESIDENT OF SRIKONA BORO BAZAR
P.O.- SRIKONA
P.S.- SILCHAR
DIST.- CACHAR
ASSAM
PIN- 788026

Advocate for the Petitioner : MR. R P SARMAH,

Advocate for the Respondent : MR. S P CHOUDHURY, MS B DEVI,MR. S. J. SARKAR,MR K BISWAKARMA

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

20.11.2026

Heard Mr. R P Sharma, learned senior counsel, assisted by Ms. A Deka, learned counsel appearing for the petitioners. Also heard Mr. S P Choudhury, learned counsel appearing for the respondents.

This is an application filed under Section 5 of the Limitation Act praying for condonodation of delay of 213 days' delay in preferring the connected regular first appeal.

The parties to this litigation are residents of Silchar in the district of Cachar. They were the defendants before the trial court at Silchar. They lost their suit. On being advised by a local lawyer, they came to Guwahati to meet

Mr. R. P. Sharma, the learned senior counsel. At that time, because of winter vacation the High Court was closed and Mr. Sharma was also out of Guwahati for which they could not meet Mr. Sharma.

Silchar is a faraway place from Guwahati. The communication is also not satisfactory. In this way, ultimately, when they met Mr. Sharma the delay had taken place.

Mr. Choudhury, appearing for the respondents, filed an objection and has claimed that the delay has not been satisfactorily explained.

I have considered the submissions made by the learned counsel for both the sides.

The first appeal is a valuable right and the parties have a right to be heard both on questions of law and on facts and the judgment in the first appeal must address itself to all the issues of law and fact and decide it by giving reasons in support of the findings.

It is also settled position of law that while dealing with a prayer for condonation of delay the courts are not required to take a pedantic approach. This court is of the opinion that under the given circumstances the delay has been satisfactorily explained. Therefore, the delay is condoned.

In view of the above, the connected regular second appeal shall be registered and listed for admission hearing.

The interlocutory application is disposed of.

JUDGE

Comparing Assistant