GAHC010106342026

2026:GAU-AS:16145

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

Case No. : I.A.(Civil)/1869/2026

FAKRUZZAMAN LASKAR AND 7 ORS.
S/O LATE TUTA MIA LASKAR, R/O VILL.- RANGAUTI PT-I, P.O.- RANGAUTI,
P.S.- HAILAKANDI, DIST.- HAILAKANDI, ASSAM, PIN-788155.

2: AYNUL HAQUE LASKAR
S/O LATE TUTA MIA LASKAR
R/O VILL.- RANGAUTI PT-I
P.O.- RANGAUTI
P.S.- HAILAKANDI
DIST.- HAILAKANDI
ASSAM
PIN-788155.

3: TAJMUL UDDIN LASKAR
S/O LATE TUTA MIA LASKAR
R/O VILL.- RANGAUTI PT-I
P.O.- RANGAUTI
P.S.- HAILAKANDI
DIST.- HAILAKANDI
ASSAM
PIN-788155.

4: ALIMUL HAQUE LASKAR
S/O LATE TUTA MIA LASKAR
R/O VILL.- RANGAUTI PT-I
P.O.- RANGAUTI
P.S.- HAILAKANDI
DIST.- HAILAKANDI
ASSAM
PIN-788155.

5: AFIA GEGUM LASKAR
D/O LATE TUTA MIA LASKAR
R/O VILL.- RANGAUTI PT-I

P.O.- RANGAUTI
P.S.- HAILAKANDI
DIST.- HAILAKANDI
ASSAM
PIN-788155.

6: PARBIN SULTANA LASKAR
D/O LATE TUTA MIA LASKAR
R/O VILL.- RANGAUTI PT-I
P.O.- RANGAUTI
P.S.- HAILAKANDI
DIST.- HAILAKANDI
ASSAM
PIN-788155.

7: MINARA BEGUM LASKAR
D/O LATE TUTA MIA LASKAR
R/O VILL.- RANGAUTI PT-I
P.O.- RANGAUTI
P.S.- HAILAKANDI
DIST.- HAILAKANDI
ASSAM
PIN-788155.

8: AFJAL MIA LASKAR
S/O LATE TUTA MIA LASKAR
R/O VILL.- RANGAUTI PT-I
P.O.- RANGAUTI
P.S.- HAILAKANDI
DIST.- HAILAKANDI
ASSAM
PIN-788155

VERSUS

ABDUS SUKKUR CHOUDHURY AND 3 ORS.
S/O MUSABBIR ALI CHOUDHURY, VILL.- RANGAUTI PT-III, P.O.- RANGAUTI, P.S. AND DIST.- HAILAKANDI, ASSAM, PIN- 788151.

2:ABDUL KARIM CHOUDHURY
S/O MUSABBIR ALI CHOUDHURY
VILL.- RANGAUTI PT-III
P.O.- RANGAUTI
P.S. AND DIST.- HAILAKANDI
ASSAM
PIN- 788151.

3:IMTIAZ HUSSAIN MAZUMDER

S/O LT. ISHAK ALI MAZUMDER
R/O HAILAKANDI TOWN
WARD NO. 3
PUBLI SCHOOL ROAD
P.O.- ROTANPUR ROAD
P.S. AND DIST- HAILAKANDI
ASSAM
PIN- 788152

4:IQUEBEL HUSSAIN MAZUMDER
S/O LT. ISHAK ALI MAZUMDER
R/O HAILAKANDI TOWN
WARD NO. 3
PUBLI SCHOOL ROAD
P.O.- ROTANPUR ROAD
P.S. AND DIST- HAILAKANDI
ASSAM
PIN- 78815

Advocate for the Petitioner : MR. A M BARBHUIYA, MS S R MAZARBHUIYA

Advocate for the Respondent : ,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 04-11-2026

Learned counsel Mr. A.M. Barbhuiya is present for the applicants.

2. Notices have been served to respondents No. 1 and 2, whereas respondents No. 3 and 4 have refused to accept notice. Thereby, without appearance of the respondents, this application is decided.

3. This application is filed under Section 5 of the Indian Limitation Act, 1963, with prayer for condonation of delay of 70 (Seventy) days. It is submitted that in fact there was no delay as the applicants had preferred a revision petition

which is registered as CRP(I/O) No. 06/2026 against the impugned final order dated 17.12.2025 passed by the learned Civil Judge (Senior Division), Hailakandi in Misc. Case No. 232/2024 in Title Execution Case No. 18/2024.

4. It is submitted that as the pendency of the CRP led to the delay, the applicants are covered by Section 14 of the Indian Limitation Act, 1963. The order in connection with CRP (I/O) No. 06/2026 is marked as Annexure-2 of the petition.

5. It is submitted that erroneously a civil revision petition was filed instead of preferring an appeal. The applicants may not suffer as the engaged counsel had approached a wrong forum.

6. It appears that this petition does not suffer from lack of *bonafide*. Sufficient ground has been shown. Indeed, delay has resulted as a civil revision petition was preferred instead of preferring an appeal.

7. Delay of 70 (Seventy) days is hereby condoned.

8. In terms of the above observation, this Interlocutory Application stands disposed of.

9. Registry to register the connected appeal.

JUDGE

Comparing Assistant