GAHC010132242026

2026:GAU-AS:16219-DB

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

Case No. : I.A.(Civil)/2260/2026

ON THE DEATH OF NABAM TAPIN, HIS LEGAL HEIR, SRI R.H. NABAM AND ANR
S/O LATE NABAM TAPIM, R/O VILL- 9/6 KOILAMARI, P.O.- KOILAMARI, P.S.- NORTH LAKHIMPUR, DIST- LAKHIMPUR, ASSAM

3: ROBISON CHUKU
SON OF PARI CHUKU
R/O VILLAGE - 9/6 KOILAMARI
P.O.- KOILAMARI
P.S.- NORTH LAKHIMPUR
DISTRICT- LAKHIMPUR
ASSA

VERSUS

STATE OF ASSAM AND 5 ORS.
REPRESENTED BY ITS COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM, DEPARTMENT OF REVENUE, DISPUR, GUWAHATI -781006

2:THE DISTRICT COMMISSIONER
LAKHIMPUR
P.O.- NORTH LAKHIMPUR
DISTRICT- LAKHIMPUR
ASSAM
PIN - 787001.

3:THE ADDITIONAL DISTRICT COMMISSIONER (REVENUE)
LAKHIMPUR
P.O.- NORTH LAKHIMPUR
DISTRICT- LAKHIMPUR
ASSAM
PIN - 787001.

4:THE CIRCLE OFFICER
NORTH LAKHIMPUR REVENUE CIRCLE
LAKHIMPUR
P.O.- NORTH LAKHIMPUR
DISTRICT- LAKHIMPUR
ASSAM
PIN - 787001.

5:SMTI. SARU BORA
WIFE OF LATE BISWESWAR BORA
R/O VILLAGE- RONGPURIA
MAIDUMIA
P.O. AND P.S.- NORTH LAKHIMPUR
DISTRICT- LAKHIMPUR
ASSAM
PIN - 787001.

6:SURJA ALI
SON OF LATE HAJI MUQBUL HUSSAIN
R/O VILLAGE- MUKBUL SUKH
9/6 KOILAMARI
P.O.- RAGAJAN BORBIL
NORTH LAKHIMPUR
ASSAM
PIN- 78700

Advocate for the Petitioner : MR. R SEKHAR, MR. K BARMAN,MR H K SARMA,MR. P GOSWAMI,MR. B D CHOWDHURY

Advocate for the Respondent : GA, ASSAM, MS A ROY(R5),MR. A K SAHU(R5),MR. PAVLOV HANDIQUE(R5),MR. L N DIHINGIA(R5),SC, REVENUE

-BEFORE-

HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

04.11.2026
(K. Goswami, J)

We have heard Mr. R. Sekhar, learned Advocate for the applicants; Ms. N. Bordoloi, learned Standing Counsel, Revenue Department, for the respondent No.1; Mr. S. Baruah, learned Government Advocate for the respondent Nos.2, 3 and 4, and Mr. P. Handique, learned Advocate for

the respondent No.5.

2. By way of this interlocutory application filed under Section 5 of the Limitation Act, 1963, the applicants seek condonation of delay of 70 days in preferring the connected appeal against the judgment and order dated 10.03.2026, passed by a learned Single Judge of this Court in WP(C) No.3313/2015.

3. The learned Advocate appearing for the applicants submits that the delay of 70 days in preferring the connected writ appeal was neither wilful nor deliberate, but occasioned by circumstances beyond the control of the applicants. It is submitted that the previously engaged counsel failed to communicate the disposal of the writ petition to the petitioners and also did not furnish the relevant case records. The petitioners came to learn about the disposal of the writ petition only recently, upon checking the case status online. Thereafter, they engaged a new counsel, obtained the requisite certified copies and required some time for examination of the records and preparation of the appeal. Accordingly, it is contended that the delay in filing the appeal was *bona fide* and sufficiently explained, and that the same deserves to be condoned in the interest of justice.

4. Learned Advocates appearing for the respondents have fairly submitted that they have received no instructions to oppose to the prayer for condonation of delay.

5. Having considered the explanation furnished by the applicants and the submissions advanced by the learned counsel, we are satisfied that

the delay in preferring the connected appeal is sufficiently explained. The delay occasioned on account of the *bona fide* pursuit of the remedy of review and the subsequent steps taken to prefer the appeal.

6. Accordingly, in the interest of justice, the delay of 70 days in filing the connected appeal is hereby condoned.

7. The interlocutory application stands allowed and disposed off.

8. Registry to process the connected appeal and list the same on 18.01.2027 under the appropriate heading.

JUDGE **CHIEF JUSTICE**

Comparing Assistant