GAHC010159912026

undefined

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

Case No. : I.A.(Civil)/2785/2026

SRI NRIPEN CHANDRA DAS AND 2 ORS.
SON OF LATE RANG NATH DAS, RESIDENT OF NOONMATI, P.S. NOONMATI, GUWAHATI, DISTRICT KAMRUP M, ASSAM, PIN 781020.

2: SMTI BINA DAS
WIFE OF LATE RANG NATH DAS
RESIDENT OF NOONMATI
P.S. NOONMATI
GUWAHATI
DISTRICT KAMRUP M
ASSAM
PIN 781020.

3: SMTI DIPALI DAS
WIFE OF LATE UDDHAB DAS
RESIDENT OF NOONMATI
P.S. NOONMATI
GUWAHATI
DISTRICT KAMRUP M
ASSAM
PIN 781020

VERSUS

SRI UMA KANTA BARMAN
SON OF LATE NIBHARKHA BARMAN, RESIDENT OF VILLAGE BALIKARIA KHARJORA, MOUZA KHATA, P.S. NALBARI, DISTRICT NALBARI, ASSAM, PIN 781341.

Advocate for the Petitioner : MR. ARIF AHMED, MR B P BORAH,MISS. J GOGOI,MR. A KHANDAKAR

Advocate for the Respondent : MR. S BARMAN, MR B DEORI,MR G BHARADWAJ

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 16.11.2026

Heard Ms. J. Gogoi, learned counsel appearing for the applicants and also heard Mr. S. Barman, learned counsel appearing for the sole respondent.

2. This is an application filed under Section 5 of the Limitation Act, 1963, seeking condonation of delay of 17 (seventeen) days in filing the connected review petition against the judgment and order dated 19.03.2026 passed by this Court in RSA No. 241/2010. The applicants/review petitioners have sought condonation of the aforesaid delay on the grounds stated in the application.

3. Having heard the learned counsel appearing for the parties and upon perusal of the grounds urged in support of the prayer for condonation of delay, it appears that the applicants/review petitioners have stated that, although the period of limitation for filing the review petition was 30 days from the date of passing of the judgment and order dated 19.03.2026 in RSA No. 241/2010, they had applied for a certified copy of the said judgment and order on 25.03.2026. However, owing to financial constraints, lack of proper legal recourse and the time taken in obtaining legal opinion, they could not file the review petition within the prescribed period of limitation, and the same came to be filed on 08.05.2026, resulting in a delay of 17 days, as calculated by the Filing Section. The applicants have further stated that the delay was neither

intentional nor deliberate and that no undue prejudice would be caused to the opposite party if the same were condoned. It has also been submitted that refusal to condone the delay would cause irreparable loss and injury to the applicants, as the vital issues involved in the matter would remain undecided. Having considered the explanation furnished and the grounds urged in support of the application, this Court finds the same to be sufficient and bona fide. Accordingly, the delay of 17 (seventeen) days in filing the connected review petition stands condoned.

4. Now, the Registry will register and number the connected review petition and be placed the same before the Court for consideration.

5. Accordingly, the IA stands disposed of.

JUDGE

Comparing Assistant