GAHC030004832026

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

Case No. : I.A.(Civil)/141/2026

Smt. Mary Lalparliani through next friend (daughter) and legal guardian Smt. Michelle Lalropuii
R/o Chaltlang, Aizawl, Mizoram

VERSUS

Sh. Andrew Zomuana @ A. Zomuana
S/o M. Lalluaia (L), R/o Ramhlun Vengthar, Aizawl, Mizoram

Advocate for the Petitioner : Mr B Lalramenga

Advocate for the Respondent :

Linked Case : RFA/25/2026

Smt. Lalparliani through next friend and legal guardian Smt. Michelle Lalropuii
D/o Mary Lalparliani
R/o Chaltlang
Aizawl
Mizoram

VERSUS

Sh. Andrew Zomuana @ A. Zomuana
S/o M. Lalluaia (L)
R/o Ramhlun Vengthar
Aizawl
Mizoram

Advocate for the Petitioner : Mr B Lalramenga
Advocate for the Respondent : Mr K Laldinliana

BEFORE

HON'BLE MR. JUSTICE NCHUMBEMO MOZHUI
ORDER

27.10.2026

Heard Mr. B. Lalramenga, learned counsel for the applicant. Also heard Mr. R. Lalruatfela, learned counsel for the sole respondent.

2. This is an application filed under Section 5 of Limitation Act, 1963 r/w Order 41 Rule 3-A CPC for condonation of 52 days delay in filing the connected RFA against the impugned order dated 11.02.2026 passed in Heirship Certificate Case No. 114/2026 by the learned Court of Civil Judge (Senior Division)-I, Aizawl.

3. The learned counsel for the applicant submits that the delay caused in filing the connected RFA was due to the fact that the applicant was not aware of the proceeding of the Heirship Certificate No. 114/2026 filed before the learned Court of Civil Judge (Senior Division)-I, Aizawl. The learned counsel for the applicant submits that because of ill-health of the applicant caused due to major stroke, he was not in a position to know about the submission of the Heirship Certificate Application by the opposite party/respondent and also because of the fact that the opposite party/respondent had concealed the filing of the Heirship Application before the learned Court below.

4. It is also further submitted by the learned counsel for the applicant that the applicant came to know about the Heirship Application filed by the opposite

party/respondent through her daughter Smt. Michelle Lalropuii, sometime in the second last week of April, 2026 that her brother who is the respondent/opposite party was taken steps for mutation of the LSC No. AZL-2683 of 1986 and the LSC No. AZL-3303 of 1986. On coming to know of such developments, the applicant through her daughter asked the opposite party/respondent as to how and why such steps were taken by him. It is the further submissions of the learned counsel for the applicant that because only at that point of time, he came to know about the existence of the order dated 11.02.2026 passed by the learned Court of Civil Judge (Senior Division)-I, Aizawl in Heirship Certificate No. 114/2026.

5. As such, there was a delay of 52 days in filing the connected RFA before this Court from the date of passing of the impugned order dated 11.02.2026.

6. Mr. R. Lalruatfela, learned counsel for the opposite party/respondent submits that he will not be filing his objection to the condonation application and further, he has no objection to the condonation of delay as prayed for by the applicant.

7. In view of the above submissions, for the interest of justice and for proper adjudication of the matter in its perspective, the delay of 52 days is condoned.

8. The application stands allowed and disposed of.

9. No order as to costs.

JUDGE

Comparing Assistant