GAHC030007002026

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

Case No. : I.A.(Civil)/177/2026

Sh. Lalthavela
S/o Thangthuama, R/o Kulikawn, Chekbawk

VERSUS

Smt. Ramengzuali and 2 Ors.
W/o S. Beihrosa, R/o Zarkawt, Aizawl District, Mizoram 2:Smt. C. Liankhumi

3:Smt. K. Vanlalhriat

Advocate for the Petitioner : Lalbiakthuama

Advocate for the Respondent : Mr. Lalfakawma for R1

Linked Case : RFA/35/2024

Sh. Lalthavela
S/o Thangthuama
R/o Kulikawn
Chekbawk

VERSUS

Smt. Ramengzuali and 2 Ors.
W/o S. Beihrosa
R/o Zarkawt
Aizawl
Aizawl District

Mizoram

2:Smt. C. Liankhumi
D/o Chawnghlira
R/o Chekbawk
Ngaizel (Kulikawn Chekbawk)
Aizawl
Mizoram

3:Smt. K. Vanlalhriati
D/o K. Lalrintluanga
R/o H.No. VH-B/01 Venghnuai
Aizawl

Advocate for the Petitioner : Lalbiakthuama
Advocate for the Respondent : Mr. P C Lalthangmawia for R2

B E F O R E

HON'BLE MR. JUSTICE MICHAEL ZOTHANKHUMA
ORDER

12.10.2026

Heard Mr. Lalbiakthuama, learned counsel for the applicant/appellant who submits that the applicant/appellant being a third party to the original proceedings has challenged the Judgment & Decree dated 25.09.2023 passed in Civil Suit No. 40/2023. However, some amendments need to be made which are as follows:

> "*4. (i) That in the seventh line of the prayer clause at page No. 1, under the phrase/heading "IN THE MATTER OF" the words and figures "and an Order dt.26.9.2024 passed by the Civil Judge (Senior Division)-III, Aizawl in Review Petition No. 9 of 2024" may be deleted.*
>
> *(ii) That in grounds of appeal at page No.9, paragraph No. 8(v) "That the Review Court passing Order dt 26.9.2024 by dismissing the Review Petition No.*

9 of 2024 is also bad in law. In fact, since the Appellant brought new fact which need to be determine and considered in accordance with law, like the two RCC building were situated outside the LSC No 796 of 2008 and out of which one building is already purchased and occupied by the Appellant for their own residence. And also pray to implead him as party so as enable him filling written statement/ counter claims. Hence, dismissal Order dt 26.9.2024 in Review Petition No. 9 of 2024 may also be set aside and quashed" may be deleted.

(iii) That in the fourth line of the prayer portion at page No.11 under the heading "PRAYER", the words and figures "and Order dt. 26.9.2024 In Review Petition No. 9 of 2024 shall not be set aside and quashed" and in the eleventh line of the said paragraph, the words and figures "and Order dt. 26.9.2024 In Review Petition No. 9 of 2024" may be deleted. "

He submits that the amendment does not change the character or the subject matter of the appeal and the same is necessary for making a proper adjudication of the real subject matter in issue.

Mr. Lalrokunga Pautu, learned counsel respondent No. 3 and Ms. Gina Vanlalhruaii Renthlei, learned counsel for respondent No. 2 submit that they have no objection to the amendment being allowed.

Mr. T. Lalzekima, learned counsel for the respondent No. 1 submits that he has not been given a copy of the Appeal Memo. As such, he does not know whether to object or agree to the application for amendment.

On considering the application, this Court does not find any change in the subject matter in issue, if the application is allowed.

Accordingly, the amendment is allowed.

The applicant shall submit an amended appeal petition to the parties and to the Registry within a period of 4 (four) days.

List the matter **after the vacation.**

I.A is accordingly disposed of.

JUDGE

Comparing Assistant