

GAHC010086322018



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

Case No. : I.A.(Civil)/1478/2018

NARAYAN BISWAS
AGED ABOUT 60 YEARS, S/O LATE KAMINI MOHAN BISWAS, R/O VILL.
BHARIDHOWA, P.O. AND P.S. ULUONI, DIST. NAGAON, ASSAM, PIN 782120

VERSUS

GAURI KANTA BISWAS
S/O SRI GOPAL BISWAS, R/O VILL. BHARIDHOWA, P.O. AND P.S. ULUONI,
DIST. NAGAON, ASSAM, PIN 782120

2:GOPAL BISWAS
S/O LATE KAMINI MOHAN BISWAS
R/O VILL. BHARIDHOWA
P.O. AND P.S. ULUONI
DIST. NAGAON
ASSAM
PIN 782120

3:SMTI LAKHI MONDAL
W/O AKHIL MONDAL
R/O VILL. KHANKUA
P.O. AND PS. ULUONI
DIST. NAGAON
ASAM
PIN 78212

Advocate for the Petitioner : MR. P P DAS, MR. C BORO

Advocate for the Respondent : ,

Linked Case : Test.App./1/2018

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Advocate for : MR. P P DAS
Advocate for : appearing for GAURI KANTA BISWAS

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

Date : 01.04.2026

Heard Mr. S. Das learned counsel for the applicant on perusal of the office note dated 12.03.2026.

2. It appears that notice issue to respondent No. 1 and 2 have been duly served by usual mode.
3. It appears on order dated 13.11.2022 that notice issue to respondent No. 3 has already been held to be duly served hence service of notice on all the respondent is hereby complied.
4. This Interlocutory Application has been filed by the applicant Narayan Biswas under Section 5 of the Limitation Act, 1963 praying for condoning the delay of 14 days in preferring the connected Testamentary Appeal impugning the judgment and order dated 21.09.2017 passed by the Court of learned Additional District Judge No.2 Nagaon in Title Suit (Case No. 4/2015) after considering the grounds stated in paragraph No.3, 4, 5, 6 of the instant interlocutory application.
5. This Court is of the opinion that the applicant was prevented from approaching this Court within the prescribed delay of limitation on filing the connected appeal due to sufficient cost. Accordingly the delay of 14 days in preferring the connected testamentary appeal is hereby condoned and this Interlocutory Application is allowed.
6. The Registry is directed to list the connected testamentary appeal for admission on **4th May, 2026**.

JUDGE

Comparing Assistant