

GAHC010017182014



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

Case No. : MC 3018/2014 in
RSA/2014

1:GOBINDA MONDAL
S/O LATE BALOHORI MONDAL, R/O SHASTRI ROAD, NORTH
BONGAIGAON, P.O., P.S. and DIST. BONGAIGAON, ASSAM.

VERSUS

1:PRADIP GHOSH and 2 ORS,
S/O SRI SUDHANSHU GHOSH, R/O SHASTRI ROAD, NORTH BONGAIGAON,
P.O., P.S. and DIST. BONGAIGAON, ASSAM.

2:SUBHASH MONDAL
S/O LATE BALOHORI MONDAL
PRESENT R/O DOLAIGAON UJANPARA
C/O NISHI PADA SHARMA
NEAR PHE OFFICE
P.O.
P.S. and DIST. BONGAIGAON
ASSAM.

3:SMT. PARATI RAI
W/O LATE KRISHNA RAI D/O LATE BALOHARI MONDAL R/O SHASTRI
ROAD
NORTH BONGAIGAON
SRI GOBINDA MONDAL
S/O LATE BALOHORI MONDAL
R/O SHASTRI ROAD NORTH
BONGAIGAON
P.O.
P.S. and DIST. BONGAIGAON
ASSAM

Advocate for the Petitioner : MR.D BORAH

Advocate for the Respondent : MR SK Saharia

**BEFORE
HON BLE MR. JUSTICE PRASANTA KUMAR DEKA**

ORDER

Date : 26-02-2018

Heard Mr.D.Bora, learned counsel appearing for the petitioner. Also heard Mr.S.K.Saharia, learned counsel appearing for respondent Nos. 1 to 3.

The connected appeal is against the judgment and decree dated 30.1.2014 passed by the learned Civil Judge, Bongaigaon in Title Appeal No. 11 of 2012 and as submitted by the learned counsel appearing for the petitioner that there is a delay of 21 days in preferring the same due to default on the part of the advocate's clerk in depositing the requisite stamp and court fee at the Registry. The delay on the part of the advocate's clerk was because of the fact that he was on leave from 9.2.2014 to 27.2.2014 due to Dol-Jatra. The said advocate's clerk did not inform the counsels conducting the appeal on behalf of the petitioner/appellant about non submission of requisite stamp /court fee. Accordingly it is sought for that the delay of 21 days be condoned.

Mr. Saharia fairly submits that he has no objection if the delay is condoned.

Considered the submission of learned counsel. The Court having found the grounds to be sufficient enough, accordingly, condones the delay of 21 days in preferring the connected Second Appeal.

This petition is accordingly disposed of with a direction to the Registry to register the connected Second Appeal and list the matter for hearing under Order 41 Rule 11 CPC on **13.3.2018.**

JUDGE

Comparing Assistant