

GAHC010017802025



2026:GAU-AS:2207

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

Case No. : I.A.(Civil)/1094/2025

KHUKAN BHOWMIK AND 2 ORS.
S/O LATE SHANKAR BHOWMIK
VILL- GERJAIPAM
P.S.- KACHUA
DIST- NAGAON
PIN-788116

2: MUNINDRA BHOWMIK
S/O LATE SHANKAR BHOWMIK
VILLAGE GERJAIPAM
PS KACHUA
DISTRICT NAGAON
PIN 788116

3: SMTI MAYA RANI BHOWMIK
W/O LATE SHANKAR BHOWMIK
VILL- GERJAIPAM
P.S.- KACHUA
DIST- NAGAON
PIN-788116
VERSUS

KESHAB DHAR AND ANR
S/O LATE BHAGAWAN DHAR
VILL- GERJAIPAM
P.S.- KACHUA
DIST- NAGAON
PIN-788116

2:CHARAN DHAR
S/O LATE BHAGAWAN DHAR
VILL- GERJAIPAM
P.S.- KACHUA
DIST- NAGAON

PIN-788116

Advocate for : MR G SARMA

Advocate for : MRS. S ROY (R-1

2) appearing for KESHAB DHAR AND ANR

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN**

ORDER

Date : 16.02.2026

Heard Mr. G. Sarma, learned counsel for the applicants. Also heard Ms. S. Roy, learned counsel for the opposite parties.

2. This application, under Section 5 of the Limitation Act, 1963, is preferred by the applicants for condoning the delay of 296 days in preferring the restoration petition against the order dated 07.03.2024, passed by this Court in RSA No. 4/2010.

3. Mr. Sarma, learned counsel for the applicants submits that the earlier conducting counsel suffered demise in the year 2018 and the same was not informed to the applicants, and therefore, appropriate petition could not be filed in time. Mr. Sarma also submits that the delay in preferring the restoration petition is not intentional, rather it is circumstantial, and as such, he has contended to condone the same.

4. Ms. Roy, learned counsel for the opposite parties submits that she has no objection in the event of allowing this application.

5. Considering the submissions of learned counsel for both the parties, and also considering the explanation, so forthcoming for the delay, this Court is inclined to allow this application.

6. Accordingly, the delay of 296 days in preferring the restoration petition against the order dated 07.03.2024, passed by this Court in RSA No. 4/2010, stands condoned.

7. In terms of above, this I.A. stands disposed of.

JUDGE

Comparing Assistant