

GAHC010052922026



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

**Case No. : RSA/40/2026**

RAM BACHAN ROY AND ANR  
SON OF LATE BISHNU DAYAL ROY, RESIDENT OF VILLAGE- BINNAKANDI  
GRANT, P.O.- BINNAKANDI, P.S.- LAKHIPUR, PIN- 788130, DISTRICT-  
CACHAR, ASSAM

2: GAUTAM ROY  
SON OF LATE BISHNU DAYAL ROY  
RESIDENT OF VILLAGE- BINNAKANDI GRANT  
P.O.- BINNAKANDI  
P.S.- LAKHIPUR  
PIN- 788130  
DISTRICT- CACHAR  
ASSA

VERSUS

CHEVIOT AGRO INDUSTRIES LIMITED AND ANR  
A COMPANY REGISTERED UNDER THE INDIAN COMPANIES ACT, 1956,  
HAVING ITS REGISTERED HEAD OFFICE AT 24, PARK STREET, MAGMA  
HOUSE (9TH FLOOR), KOLKATA, WEST BENGAL AND PLACE OF BUSINESS  
AMONGST OTHER PLACES AT BINNAKANDY TEA ESTATE, P.O.  
BINNAKANDI, P.S. LAKHIPUR, PIN- 788130, DIST- CACHAR, ASSAM

2:SANAT ROY  
S/O LATE BISHNU DAYAL ROY  
RESIDENT OF BINNAKANDI TEA ESTATE  
P.O.- BINNAKANDI  
P.S. LAKHIPUR  
PIN- 788130  
DIST- CACHAR  
ASSA

**Advocate for the Petitioner : MR. S D PURKAYASTHA, J P BAISHYA,MR. JITU SAIKIA**

Advocate for the Respondent : ,

**BEFORE**  
**HON'BLE MR. JUSTICE ROBIN PHUKAN**  
**ORDER**

**25.05.2026**

Heard Mr. S.D. Purkayastha, learned counsel for the appellant.

2. This second appeal, under Section 100 of the Code of Civil Procedure, is directed against the Order dated 09.01.2026 passed by the learned Civil Judge (Sr. Divn.), No.2, Cachar, Silchar (First Appellate Court herein after) in Title Appeal No.18/2022. It is to be noted here that vide impugned order dated 09.01.2026, the learned First Appellate Court had dismissed the appeal due to the dismissal of the Misc. J. Case No.107/2022, by which the application for condonation of delay in preferring the first appeal had been rejected and thereby affirmed the judgment and decree dated 21.09.2019 passed by the learned Munsiff, Lakhipur, Cachar, in Title Suit No. 157 of 2011.

3. Perused the petition No.644/08, under Section-5 of the Limitation Act for condoning the delay of 988 days in filing the Title Appeal No.18 of 2022, upon which Misc Case No.107/2022 was registered. Also perused the impugned order dated 09.01.2026.

4. This second appeal is admitted on the following substantial question of law:

**Whether, the impugned order dated 09.01.2026, so passed by the learned First Appellate Court, refusing to condone delay on the part of the appellants in preferring the First Appeal and, thereby denying the**

**appellants their right to First Appeal, suffers from perversity ?**

5. Issue notice to the respondents, returnable in four weeks. Step be taken by speed post and also by usual process within a week from today.
6. Registry shall call for the record from the learned courts below urgently.
7. List after four weeks.

**JUDGE**

**Comparing Assistant**