

GAHC010059212026



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

Case No. : I.A.(Civil)/1002/2026

JOYNAL HUSSAIN BARBHUIYA AND ANR
S/O LATE AHMED ALI BARBHUIYA, VILL- BARNAGAD, P.S.- ALGAPUR,
DIST- HAILAKANDI, P.O.- KALIBARI BAZAR, PIN-788150

2: ALI HUSSAIN BARBHUIYA
S/O LATE AHMED ALI BARBHUIYA
VILL- BARNAGAD
P.S.- ALGAPUR
DIST- HAILAKANDI
P.O.- KALIBARI BAZAR
PIN-78815

VERSUS

BASIR UDDIN LASKAR AND ANR
S/O LATE RASHID ALI LASKAR, R/O VILL- ALGAPUR PART-I, P.S.-
ALGAPUR, P.O.- KALIBARI BAZAR, DIST- HAILAKANDI, PIN-788150

2:MUSSTT. SUFIA BEGUM LASKAR
W/O BASIR UDDIN LASKAR
R/O VILL- ALGAPUR PART-I
P.S.- ALGAPUR
P.O.- KALIBARI BAZAR
DIST- HAILAKANDI
PIN-78815

Advocate for the Petitioner : MR. A CHOUDHURY, MR. R A MAZUMDER, MR. R A CHOUDHURY

Advocate for the Respondent : MR N A MAZARBHUIYA,

Linked Case : C.APPLN/0/0

JOYNAL HUSSAIN BARBHUIYA
ASSAM

VERSUS

BASIR UDDIN LASKAR
ASSAM

Advocate for : MR. R A CHOUDHURY
Advocate for : appearing for BASIR UDDIN LASKAR

Linked Case :

JOYNAL HUSSAIN BARBHUIYA
ASSAM

VERSUS

BASIR UDDIN LASKAR
ASSAM

Advocate for : RAFI AHMED CHOUDHURY
Advocate for : appearing for BASIR UDDIN LASKAR

BEFORE
HONOURABLE MR. JUSTICE PRANJAL DAS

ORDER

Date : 22-06-2026

Heard Mr. R.A Mazumder, learned counsel for the applicant. Also heard Mr. N.A Mazarbhuiya, learned counsel appearing for the opposite party/respondents.
The applicant herein, is seeking to file a Regular Second Appeal (RSA)

against the judgment and decree dated 01.08.2025 passed in TA (Title Appeal) No. 08 of 2024 by the learned Civil Judge, Senior Division, Hailakandi. However, there is a delay of 33 days in preferring the said RSA, for which an application under Section 5 of the Limitation Act, 1963 has been preferred for condonation of the same.

The learned counsel for the applicant has drawn attention of the Court to the explanation of the delay which is narrated in para-5 and 6.

In a nutshell, it is stated that after he obtained certified copies and returning to Hailakandi, he was stranded due to some geographical conditions. Subsequently, he also fell ill and unable to take steps.

It is also stated in (para 6) that financial hardships also contributed to some more delay and eventually, the appeal was filed on 18.12.2025 with a delay of 33 days.

Mr. N.A Mazarbhuiya, learned counsel for the respondents fairly submits that he does not have any objection.

Considering the quantum of delay and also the explanation put forward, this Court is of the view that the delay should be condoned in the interest of justice so that the second appeal can be heard on merits.

In such view of the matter, the delay of 33 days in preferring the RSA is hereby condoned.

The IA(C) stands allowed and disposed of.

List the main appeal again on **13.07.2026**.

JUDGE

Comparing Assistant