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

Case No. : I.A.(Civil)/2582/2025

ABDUL BASIT
R/O VILL. SOROPUR, P.O. BHANGABAZAR, P.S. BADARPUR, DIST.
SONITPUR, ASSAM, PIN 788710

VERSUS

PROSENJIT DEY LASKAR AND 15 OTHERS
S/O LATE BIKASH DEY LASKAR, R/O SHAMBU SAGAR ROAD, P.O., P.S.
AND DIST. SRIBHUMI, ASSAM, PIN 788710

2:SREE GANESH FILING STATIO

AUTHORISED PETROL PUMP UNDER M/S ESSAR OIL LTD. SITUATED AT
PATEL NAGAR
P.S. AND DIST. SRIBHUMI
REPRESENTED BY
SRI PROSENJIT DEY LASKAR
R/O SAHMBU SAGAR ROAD
P.O.
P.S. AND DIST. SRIBHUMI
ASSAM
PIN 788710

3:GAUTAM SAHA

S/O SRI SAIENDRA CH. SAHA
SRINAGAR COLONY WARD NO. 15
SUBASHNAGAR ROAD
KARIMGAJ TOWN
P.O.
P.S. AND DIST. SRIBHUMI
ASSAM
PIN 788710

4:THE PUNJAB NATIONAL BANK

SRIBHUMI BRANCH
REPRESENTED BY THE BRANCH MANAGER OF PUNJAB NATIONAL
BANK SRIBHUMI BRANCH OLD STATION ROAD
WARD NO. 25 OF SRIBHUMI TOWN
P.O.
P.S. AND DIST. SRIBHUMI
ASSAM
PIN 788710

5:M/S ESSAR OIL LTD.

IDEAL PLAZA
SOUTH BLOCK
4TH FLOOR 11/1
SARAT BOSE ROAD
KOLKATA 700020
WEST BENGAL.

6:M/S ESSAR OIL LTD.

C/O NYARA ENERGY LTD. SUBHAM REDSTONE
2ND FLOOR NEXT TO PANTALOONS
RUKMINIGAON
G.S. ROAD
GUWAHATI
KAMRUP (M)
ASSAM
PIN 781022

7:THE SUB REGISTRAR

SRIBHUMI (SADAR)
P.O.
P.S. AND DIST. SRIBHUMI
ASSAM
PIN 788710

8:THE CIRCLE OFFICER

SRIBHUMI CIRCLE
P.O.
P.S. AND DIST. SRIBHUMI
ASSAM
PIN 788710

9:THE DEPUTY COMMISSIONER

SRIBHUMI OFFICE OF THE DEPUTY COMMISSIONER
P.O.

P.S. AND DIST. SRIBHUMI
ASSAM
PIN 788710

10:THE STATE OF ASSAM

P.O.
P.S. AND DIST. SRIBHUMI
ASSAM
PIN 788710

11:BALMIKI DEB ROY

S/O MRINAL KANTI DEB ROY NILMONI ROAD
SRIBHUMI
P.O.
P.S. AND DIST. SRIBHUMI
ASSAM
PIN 788710

12:RATAN SENGUPTA

S/O LATE KHETRA MOHAN SENGUPTA
R/O VILL. AND P.O. BADARPURGHAT
P.S. BADARPUR
DIST. SRIBHUMI
ASSAM
PIN 788803

13:FAZAL AHMED

S/O MAHMAD ALI
R/O VILL. SOUTH KANDIGRAM
P.O. MALUA
P.S. BADARPUR
DIST. SRIBHUMI
ASSAM
PIN 788806

14:NURUL ISLAM

S/O LATE SIRAJUL HAQUE
VILL. AND P.O. MALUA
.P.S. BADARPUR
DIST. SRIBHUMI
ASSAM
PIN 788806

15:ABDUL HAQUE @ SUNA MIA

S/O LAE NAMAR ALI
R/O KANISHAIL
P.O.
P.S. AND DIST. SRIBHUMI
ASSAM
PIN 788710

16:ABDUL MALIK

S/O LATE ABDUL LATIF
R/O KANISHAIL
P.O. P.S. AND DIST. SRIBHUMI
ASSAM
PIN 78871

Advocate for the Petitioner : MR. M H RAJBARBHUIYAN, MR G BHARADWAJ,MR B DEORI

Advocate for the Respondent : GA, ASSAM, MR. R J DAS(R3),MS D.CHAKRABARTY,MR. D CHAKRABARTY (R-1)

Linked Case : ITREF(A)/0/0

ABDUL BASIT
SRIBHUMI
ASSAM

VERSUS

PROSENJIT DEY LASKAR AND 15 OTHERS
SRIBHUMI
ASSAM

Advocate for : MR BHASKAR DEORI
Advocate for : appearing for PROSENJIT DEY LASKAR AND 15 OTHERS

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

ORDER

09.09.2026

- 1.** Heard Mr. M. H. Rajbarbhuiya, the learned counsel for the applicant. Also heard Mr. D. Chakraborty, the learned counsel for the opposite party No. 1 as well as Mr. R. J. Das, the learned counsel for the opposite party No. 3 and Ms. M. Kalita, the learned counsel appearing for opposite party Nos. 7, 8, 9, and 10.
- 2.** On perusal of the office note dated 05.09.2026, it appears that the notice issued to opposite party No. 4 has been duly served on him.
- 3.** However, no one has appeared for opposite party No. 4 before this Court today. Hence, this Interlocutory Application shall proceed *ex-parte* against the said opposite party.
- 4.** This application under Section 5 of the Limitation Act, 1963 has been preferred by the applicant, Abdul Basit, praying for condonation of delay of 75 days in preferring the connected Regular First Appeal, wherein the judgment and decree dated 20.12.2024 passed in Title Suit No. 9/2022 by the Court of learned Civil Judge (Senior Division) Silchar has been impugned.
- 5.** The learned counsel for the applicant submits that the applicant has stated the reasons for delay in Paragraph No. 3 of the instant Interlocutory Application. He submits that the main reason for which the applicant could not prefer the connected appeal within the prescribed period of limitation is that he was ill and was suffering from hemorrhoids for which he was taking treatment, and as such, the delay has been occasioned.

- 6.** He submits that the applicant has also annexed the medical documents in support of the said contentions.
- 7.** The learned counsel for the opposite parties have not raised any objection regarding condonation of delay in this case.
- 8.** I have considered the submissions made by the learned counsel for both sides and have gone through the materials on record.
- 9.** After going through the grounds stated in the instant Interlocutory Application as well as after going through the supporting medical documents annexed therewith, this Court is of considered opinion that the applicant was prevented by sufficient cause in preferring the connected appeal within the prescribed period of limitation. As such, the delay of 75 days in preferring the connected Regular First Appeal is hereby condoned, and this Interlocutory Application is allowed.
- 10.** The Registry is directed to register the Connected Regular First Appeal and list the same for admission after a week on a date to be fixed by it.
- 11.** The applicant is directed to furnish the copies of Memo of Appeal along with annexures to the learned counsel for all the respondents within three days from the date of this order.

JUDGE

Comparing Assistant