

GAHC010211302025



undefined

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

Case No. : RSA/174/2025

MANORAMA DUTTA BARUAH AND ANR.
LATE MUNINDRA DUTTA BARUAH, BOTH ARE R/O. SRI GURU PRESS
COMPOUND (NEAR PRAGJYOTISH CINEMA HALL). MALIGAON,
GUWAHATI-11 DIST.-KAMRUP (M), ASSAM

2: NILOTPAL DUTTA BARUAH
LATE MUNINDRA DUTTA BARUAH
BOTH ARE R/O. SRI GURU PRESS COMPOUND (NEAR PRAGJYOTISH
CINEMA HALL). MALIGAON
GUWAHATI-11 DIST.-KAMRUP (M)
ASSA

VERSUS

RENU DUTTA BARUAH AND 7 ORS.
W/O. LT. BHABENDRA NARAYAN DUTTA, R/O. SREE GURU PRESS
CAMPUS, MALIGAON, GUWAHATI, GUWAHATI-12, P/S. JALUKBARI, DIST.
KAMRUP 9M0,ASSAM.

2:ASOMEET DUTTA BARUAH
W/O. SRI S. HAZARIKA
1 FLOOR
MAHABHARAT KARYALAYA
COLLEGE HOSTEL ROAD
PAN BAZAR
GUWAHATI-781001

3:MONIDEEPA DUTTA BARUAH
W/O. RAMENDRA NARAYAN DUTTA BARUAH

4:RAGHABENDRA NARAYAN DUTTA BARUAH
S/O. RAMENDRA NARAYAN DUTTA BARUAH

5:MANABENDRA NARAYAN DUTTA BARUAH

S/O. RAMENDRA NARAYAN DUTTA BARUAH

6:JADABENDRA NARAYAN DUTTA BARUAH
S./O. RAMENDRA NARAYAN DUTTA BARUAH
RESPONDENT NOS. 3 TO 6 ARE RESIDENT OF 2 FLOOR
MAHABHARAT KARYALAYA
COLLEGE HOSTEL ROAD
PAN BAZAR
GUWAHATI-01

7:JYOTINDRA NARAYAN DUTTA BARUAH
S/O. LATE HARI NARAYAN DUTTA BARUAH
C/O. DUTTA BARUAH PUBLISHING COMPANY (P)
LTD
COLLEGE ROAD
PAN BAZAR
P.O.PANBAZAR
GUWAHATI 781001

8:PRASENJIT DUTTA BARUAH
S/O. LATE JITENDRA NARAYAN DUTTA BARUAH
R/O. S-17/1701
CLOSE SOUTH NIRVANA COUNTRY
SOUTH-CITY-2
GURGAON
HARYAN

Advocate for the Petitioner : MD. MEMON AHMED, MRS. S ROY,MS. B. HAZARIKA,MS. R CHOUDHURY

Advocate for the Respondent : ,

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 22.10.2025

- 1.** Heard Ms. R. Choudhury, the learned counsel for the appellants.
- 2.** This Regular Second Appeal under Section 100 of the Code of Civil Procedure, 1908 has been filed by the appellants impugning the judgement and decree dated 16.06.2025 passed by the Court of learned Additional District

Judge No. 5, Kamrup (Metro) in Misc. (J) Case No. 70/2021 arising out of Title Appeal No. 19/2021 whereby the prayer for condoning the delay in filing the aforesaid Title Appeal was rejected.

3. The learned counsel for the appellant has submitted that since at the First Appellate stage, the appeal was not admitted because the delay in preferring the said appeal was not condoned by the First Appellate Court. The said rejection order may be treated as a decree and, therefore, this Regular Second Appeal is maintainable.

4. On a pointed query by this Court as to what would be the substantial question of law in this case as the same has to revolve only against the order passed in in Misc. (J) Case 70/2021.

5. The learned counsel for the appellants submits that if the First Appellate Court has dismissed the said Misc. (J) Case and declined to condone the delay in spite of the applicant showing sufficient cause for condoning the such delay, the said rejection order may be regarded as a perverse order.

6. She also submits that she may be given some time to produce some authority in support of submissions made by her.

7. The prayer is allowed.

8. Let this matter be listed **on 28.10.2025.**

JUDGE

Comparing Assistant