

GAHC010218202025



2026:GAU-AS:6182

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

Case No. : I.A.(Civil)/3391/2025

SUBENDU MOHAN TALUKDAR
S/O- LATE MANORANJAN TALUKDAR,
R/O- MANGALDAI TOWN, WARD NO- 5 (NATUN PARA), P.O AND P.S-
MANGALDAI, MOUZA- RANGAMATI, DIST- DARRANG, ASSAM, PIN-
784125,

VERSUS

MRIDUL DEKA
S/O- LATE JOGEN DEKA ,
R/O- MANGALDAI TOWN, WARD NO- 1 , P.O AND P.S- MANGALDAI,
MOUZA- CHAPAI, DIST- DARRANG, ASSAM, PIN-784125,

Advocate for the Petitioner : MR B DEORI, MR G BHARADWAJ,MR. A C SARMA

Advocate for the Respondent : MR. D GOGOI, S BORPUJARI,MS T WAPANGLA,MR. R DEKA

Linked Case :

SUBENDU MOHAN TALUKDAR
ASSAM

VERSUS

MRIDUL DEKA

ASSAM

Advocate for : MR BHASKAR DEORI
Advocate for : appearing for MRIDUL DEKA

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

06.05.2026

Heard Mr. G Bharadwaj, learned counsel for the applicant. Also heard Mr. D Gogoi, learned counsel for the sole respondent.

By way of this interlocutory application under Section 5 of the Limitation Act, 1963, the applicant seeks condonation of delay of 763 days in filing the connected Regular Second Appeal.

It appears that the learned Trial Court, by judgment dated 12.04.2022, decreed the suit of the plaintiff/respondent. Thereafter, an appeal having been preferred, the learned Appellate Court dismissed the said appeal. The applicant, however, claims that he was unaware of the dismissal of the appeal and, consequently, could not file the Regular Second Appeal within time. Accordingly, the present interlocutory application has been filed seeking condonation of delay of 763 days in filing the connected RSA.

The grounds for delay, as urged in the application, read as follows:—

“3. That the First Appellate Court passed the judgment on 10.05.2023. The applicant did not have knowledge of the disposal of the appeal. It was only in the month of March, 2025 that the applicant received notice in Money Execution Case No. 14 of 2023. Thereafter, the applicant entered into several rounds of negotiation with the respondent to settle the dispute with the help of elderly neighbours. However, on 31.08.2025, the respondent declined to enter into any negotiation. Having no other option, the applicant applied for a certified copy of the appellate judgment on 02.09.2025, which was received

on 10.09.2025. Thereafter, the applicant came to Guwahati on 13.09.2025 and handed over the papers to the learned counsel, who prepared and filed the appeal on 19.09.2025. As such, there is a delay of 763 days in filing the appeal. The applicant was prevented by sufficient cause from filing the appeal within time. There has been no negligence or laches on the part of the applicant in prosecuting the case."

Mr. D. Gogoi, learned counsel appearing for the sole respondent, fairly submits that he has no objection if the delay is condoned.

Upon hearing the learned counsel for the parties and upon perusal of the grounds assigned in the application, this Court is satisfied that the delay has been sufficiently and bona fide explained. No deliberate negligence or willful inaction is discernible on the part of the applicant.

Accordingly, the delay of 763 days in filing the connected Regular Second Appeal stands condoned.

The interlocutory application is, accordingly, allowed and disposed of.

Registry shall register the connected RSA and list the same accordingly.

JUDGE

Comparing Assistant