

GAHC010247382025



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

Case No. : I.A.(Civil)/4187/2025

SHIMUL DAS
SON OF LATE SITANGSHU RANJAN DAS, RESIDENT OF UMESH SHYAM
LANE, LONGAI ROAD, KARIMGANJ TOWN, WARD NO.2, P.O- SETTLEMENT
ROAD, P.S AND DISTRICT- SRIBHUMI, STATE- ASSAM, PIN- 788712.
PROPRIETOR OF ARUNA ENTERPRISE, UMESH SHYAM LANE, LONGAI
ROAD, KARIMGANJ ROAD, P.S. AND DISTRICT- SRIBHUMI, ASSAM-788712

VERSUS

THE RABINDRA SADAN GIRLS COLLEGE, KARIMGANJ AND 2 ORS.
MAIN ROAD, KARIMGANJ TOWN, POST OFFICE- KARIMGANJ, DISTRICT-
SRIBHUMI, ASSAM, PIN- 788701. REPRESENTED BY THE PRINCIPAL OF
RABINDRA SADAN GIRLS COLLEGE

2:THE PRINCIPAL
RABINDRA SADAN GIRLS COLLEGE
KARIMGANJ
MAIN ROAD
KARIMGANJ TOWN
POST OFFICE- KARIMGANJ
DISTRICT- SRIBHUMI
ASSAM
PIN- 788701

3:THE PRESIDENT OF THE GOVERNING BODY
RABINDRA SADAN GIRLS COLLEGE
KARIMGANJ
MAIN ROAD
KARIMGANJ TOWN
POST OFFICE- KARIMGANJ
DISTRICT- SRIBHUMI
ASSAM

PIN- 78870

Advocate for the Petitioner : MR. O LASKAR, M R TALUKDAR

Advocate for the Respondent : MR. A DHAR(R1,2,3), R SARMA(R1,2,3),A WAHID(R1,2,3)

In
RFA Case No. 14204/2025
WITH
RFA Case No. 14204/2025
(Filing Number)

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

31.07.2026

- 1.** Heard Mr. O. Laskar, the learned counsel for the applicants. Also heard Mr. A. Dhar, the learned counsel appearing for all the opposite parties.
- 2.** This interlocutory application under Section 5 of the Limitation Act, 1963 has been filed by the applicant, namely, Shimul Das, for condoning the delay of 280 days in preferring the connected appeal within the prescribed period of limitation.
- 3.** By the said appeal, the applicant has impugned the judgment and decree dated 30.09.2024, passed by the court of the learned Civil Judge (Senior Division), Karimganj in Money Suit No. 12/2019.
- 4.** The learned counsel for the applicant has submitted that the applicant has mentioned the reasons for delay in preferring the connected appeal in

paragraph Nos. 3 to 8 of the instant application. He submits that the reasons shown by the applicant in the instant interlocutory application were beyond his control and may be considered as sufficient cause which prevented him from preferring the appeal within prescribed period of limitation.

5. On the other hand, Mr. A. Dhar, has opposed the condonation of 280 days in preferring the connected appeal by the applicant. He submits that the medical certificate submitted by the applicant in support of his contention that he was ill pertains to even before delivery of the two judgments.

6. He further submits that though the certified copy of the impugned judgment was received by the applicant on 21.11.2024, however, no day-to-day delay has been explained as to why for next 280 days, the appeal could not be preferred within the prescribed period of limitation.

7. He further submits that since the applicant was a Class-II Contractor, the plea that he could not prefer the appeal due to financial reasons is not believable.

8. I have considered the submissions made by the learned counsel for both sides and have gone through the materials available on record.

9. It appears that the applicant had suffered head injury and fracture of bones in the month of August, 2020 and also suffered from vertigo and enteric fever.

10. I have also taken into account the grounds stated in the memo of appeal by the applicant. While considering an application for condonation of delay a justice oriented approach has to be taken. Though in the instant case, day-to-day delay has not been explained by the applicant, however, considering the grounds stated by him in his interlocutory application for the delay caused in preferring the connected appeal, this court is of considered opinion that under

the facts and circumstances of this case, same may be regarded as sufficient cause which prevented the appellant in preferring the connected appeal within the prescribed period of limitation. As such, the period of 280 days in preferring the connected appeal is hereby condoned and this interlocutory application is allowed.

11. Registry to register the connected regular first appeal and list the same after a week on a date to be fixed by it.

JUDGE

Comparing Assistant