

GAHC010251102023



2026:GAU-AS:699

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

Case No. : I.A.(Civil)/3573/2023

CHIRAT RAM RABIDAS
S/O LATE CHURATH RABIDAS,
VILLAGE BHUTORDOLONI, PS AND PO BIHPURIA, DIST NORTH
LAKHIMPUR, ASSAM 784161

VERSUS

BAN HAZARIKA AND 5 ORS.
S/O LATE HEMA HAZARIKA
VILLAGE BHUTORDOLONI, PS AND PO BIHPURIA, DIST NORTH
LAKHIMPUR, ASSAM 784161

2:SRI DULU SHARMA
S/O LATE SUBHAN SHARMA
RESIDENT OF VILLAGE DHOLPUR
PO DHOLPUR
PS BIHPURIA
DIST NORTH LAKHIMPUR
ASSAM 784165

3:SRI SANJIB DUWARA
S/O SRI PRAFULLA DUWARA

RESIDENT OF VILLAGE DHOLPUR
PO DHOLPUR
PS BIHPURIA
DIST NORTH LAKHIMPUR
ASSAM 784165

4:SRI JYOTISH BORUAH
S/O LATE PURANDAR BORUAH

RESIDENT OF VILLAGE DHOLPUR
PO DHOLPUR
PS BIHPURIA
DIST NORTH LAKHIMPUR
ASSAM 784165

5:SRI TAPAN BANIYA
S/O LATE BUPARAM BANIYA

RESIDENT OF VILLAGE DHOLPUR
PO DHOLPUR
PS BIHPURIA
DIST NORTH LAKHIMPUR
ASSAM 784165

6:SRI NITUMONI BORUAH
S/O LIKHESWAR BORUAH

RESIDENT OF VILLAGE NO. 3 NIMORI
PO DHOLPUR
PS BIHPURIA
DIST NORTH LAKHIMPUR
ASSAM 78416

Advocate for the Petitioner : MR. S CHAUHAN, MR. P MAZUMDER,MR. A R SHOME,R
DEB,M. BORUAH,MR N ALAM

Advocate for the Respondent : ,

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 21-01-2026

Heard Mr. S. Chauhan, the learned counsel for the applicant/appellant.

2. From the order dated 07.08.2024 it seems that the Lawazima Court has passed an order wherefrom it is seen that the service already completed on respondent nos. 1 to 6. But, till date no one has represented the respondents.

3. This is an application u/s 5 of the Limitation Act praying for condonation of

delay of 47 days in preferring the connected appeal against the order dated 26.05.2023 passed by the learned Civil Judge (Sr. Div.), Lakhimpur in Misc.(J) Case No. 4/2023.

4. It is submitted by Mr. Chauhan that the present applicant/appellant was staying with his son at Ambala and also fallen sick during that period and when they came to know about the judgment there was a long puja vacation and thereafter he made a request to the engaged counsel for obtaining the certified copy. He further submitted that there is no willful negligence and laches on the part of the present applicant. But, due to the said unavoidable circumstances the appeal could not be preferred within the period of limitation.

5. Considering the submission made by learned counsel for both sides and also considering the grounds mentioned in the petition which is found to be reasonable and justified ground, the delay of 47 days in preferring the connected FAO against the order dated 26.05.2023 passed by the learned Civil Judge (Sr. Div.), Lakhimpur in Misc.(J) Case No. 4/2023 is hereby condoned.

6. Registry is accordingly directed to number and register the connected appeal and to list accordingly.

7. With the above observations, the present IA stands disposed of.

JUDGE

Comparing Assistant