

GAHC010255042025



DB

2026:GAU-AS:2998-

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

Case No. : I.A.(Civil)/4068/2025

ALI AKBAR
S/O. TAHER ALI VILL- BORAR CHAR, P.O.AND P.S. CHUNARI DIST-
GOALPARA, ASSAM, PIN- 783129. PRESENTLY RESIDING AT VILL- AND P.O.
RAJMITA, P.S. LAKHIPUR, DIST- GOALPARA, ASSAM, PIN- 783129.

VERSUS

THE UNION OF INDIA AND 4 ORS
MINISTRY OF HOME AFFAIRS DISASTER MANAGEMENT DIVISION
REPRESENTED BY ITS DIRECTOR DM-I, C WING, 3RD FLOOR, NDCC-II, JAI
SINGH ROAD, NEW DELHI-110001.

2:THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
GENERAL
DISPUR
GHY-06

3:THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM
FINANCE DEPARTMENT
DISPUR
GHY06

4:THE DEPUTY COMMISSIONER
GOALPARA
ASSAM PIN- 783121.

5:THE CIRCLE OFFICER
LAKHIPUR REVENUE CIRCLE
P.O. AND P.S. LAKHIPUR
DIST- GOALPARA

ASSAM
PIN- 783129

Advocate for the Petitioner : MR. W RAHMAN,

Advocate for the Respondent : DY.S.G.I., SC, FINANCE,GA, ASSAM,SC, REVENUE

For the Applicant :- Mr. W. Rahman, learned counsel,

For the opposite party/
respondent(s)

:- Ms. N. Bordoloi, learned counsel
Ms. R. B. Bora, learned Jr. Govt. counsel

BEFORE

HONOURABLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR

HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

25-02-2026

(A.D. Choudhury, J)

1. The present Interlocutory Application has been filed by the applicant seeking condonation of the delay of **336** days in preferring the connected appeal against the order dated 13.11.2024 passed in WP(C) No. 5832/2024.
2. The aforementioned writ petition was filed by the applicant seeking, a mandamus directing the respondent authorities therein to pay an amount of Rs. 4,00,000/- as ex-gratia relief in terms of the Notification dated 27.07.2011 for the death caused to his wife Sokina Khatun. However, the same was rejected under the order dated 13.11.2024 (supra).
3. The grounds for seeking condonation of delay in preferring the Writ

Appeal are that the applicant is a resident of below poverty line and as a daily wage, he could not appoint an advocate to file the same within the stipulated period of limitation and that the applicant has been suffering from various ailments.

4. The length of the delay is indeed a relevant factor to be considered when deciding an application for condonation of delay. However, when sufficient causes are shown, the discretion vested in the Courts to condone delay is to be exercised, though sufficient cause shall not mean a mere explanation given superficially.

5. In the case in hand, we have found that the applicant has sufficiently explained the reasons of delay and has been able to substantiate that due to his health condition, he was prevented from approaching the Court promptly and within the prescribed period of limitation. We do not see any negligence, lack of bona-fide or inaction on the part of the applicant.

6. Based on the materials available on record, it cannot be said that the applicant was not diligent or that the delay was intentional.

7. Thus, having considered the explanation tendered by the applicant, this Court is satisfied that the delay occasioned in preferring the connected Writ Appeal was neither deliberate nor actuated by negligence but resulted from bona-fide circumstances beyond the control of the applicant. In the absence of gross laches or mala-fide intention attributable to the applicant, this Court would lean in favour of the adjudication on merits.

8. In the given facts of the present case, the explanation furnished inspires confidence, and no prejudice is demonstrated to have been caused to the respondents by such delay.

9. The learned counsel for the respondents submits that they have no instructions to oppose the present application.
10. Accordingly, in the interest of justice and having satisfied that the causes shown are sufficient to condone the delay of **336** days, we deem it appropriate to condone the delay.
11. The instant Interlocutory Application stands allowed and disposed off.
12. The Registry to process the connected appeal and, if the same is found defect free, shall list the same under the appropriate heading, preferably on **29.04.2026**.

JUDGE

CHIEF JUSTICE

Comparing Assistant