

GAHC010271342025



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

Case No. : I.A.(Civil)/3989/2025

SANTI SINGH
SO LATE CHANDRABABU SINGH , , RO DAKHIN BIDYANAGAR , MOUZA-
HOJAI DIST.- HOJAI ASSAM PIN- 78243

VERSUS

SRI BIDYAPATI SINGH
S/O- LATE INDRAMONI SINGH, R/O- VILL.- DAKHIN BIDYANAGAR,
MOUZA- HOJAI, DIST.- HOJAI, ASSAM, PIN- 782435.

Advocate for the Petitioner : MR P UPADHYAY, MS. JYOTI CHETRY,MR A UPADHYAY

Advocate for the Respondent : MR R ALI,

BEFORE
HONOURABLE MR. JUSTICE SANJEEV KUMAR SHARMA

ORDER

Date : 25.02.2026

Heard Mr. P. Upadhyay, learned counsel for the applicant and Mr. R. Ali, learned counsel for the respondent.

This I.A. has been filed under Section 5 of the Limitation Act, 1963 seeking condoning the delay of 228 days in preferring the application for substitution of the legal heirs of the deceased/ appellant No. 1, late Chandrababu Singh as well as for setting aside of abatement of the connected

petition being RSA No. 190/2019.

Perused the grounds of the delay shown in the delay petition in preferring the substitution petition which are supported by an affidavit.

The learned counsel for the respondent has no objection to condone the delay.

Having regard to the statement made in the instant application, I am of the view that the applicant was prevented by sufficient causes in approaching the Court within the period of limitation in filing the application for substitution and setting aside of the abatement is condoned . Accordingly, the delay of 228 days is condoned.

The I.A. stands disposed of.

JUDGE

Comparing Assistant