

GAHC020007962025



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

Case No. : I.A.(Civil)/221/2025

STATE OF NAGALAND AND 2 ORS
REPRESENTED BY THE CHIEF SECRETARY, GOVT. OF NAGALAND, NAGALAND
KOHIMA

VERSUS

MR. R. PHYOBENTHUNG NGULLIE AND ANR
S/O LATE RHUZAMO NGULLIE, PERMANENT RESIDENT OF SHAKI VILLAGE,
WOKHA NAGALAND 2:MRS ZUPENO LOTH
H.NO. 341
LONGSA VILLAGE
MOKOKCHUNG NAGALAN

Advocate for the Petitioner : GOVT ADV NL, LUCY WEO,,,KIM
PIENYU,REBECCA,N. LONGKUMER

Advocate for the Respondent : L LIKHASE SANGTAM (R-1), ANGAM
KONYAK,MUTHOI

**BEFORE
HON'BLE MR. JUSTICE BUDI HABUNG
ORDER**

14.08.2026

Heard Mr. N. Longkumer, learned counsel for the State applicants. Also heard Mr. L. Likhase Sangtam, learned counsel appearing for respondent No. 1.

2. This interlocutory application has been filed under Section 151 of the Code of Civil Procedure, 1908, seeking recall of the order dated 21.11.2024 passed by this Court in WP(C) No. 139/2024, which was consequential to the order dated 29.11.2022 passed in WP(C) No. 221/2019.

3. The case of the applicant is that in WP(C) No. 139/2024, the petitioner had categorically stated that the said petition was being filed on behalf of Master Benruthung Ngullie, who is the minor son of Late Munglumo Lotha. Vide order dated 21.11.2024 passed in WP(C) No. 139/2024, this Court directed respondent No. 3 to initiate the process for grant of pensionary benefits and other service benefits in favour of Shri Benruthung Ngullie, son of Late Monglumo Lotha, in terms of the order dated 29.11.2022 passed in WP(C) No. 221/2019, in place of Smti. Zubeno Lotha (his mother).

4. The learned counsel for the applicants submits that, pursuant to an inquiry being conducted by the concerned authority, it was found that the husband of Smti. Zubeno Lotha (opposite party No. 2) had expired on 10.07.2011 and not on 28.01.2008 as was represented before the Court. In this regard, the learned counsel for the applicants submits that a death certificate issued by Shaki

Baptist Church, as well as a photograph relating to the memorial stone of the deceased (husband of opposite party No. 2), wherein it is inscribed that he expired on 10.07.2011, has been placed before the Court.

5. The learned counsel for the petitioner has placed before this Court a copy of the order dated 23.06.2026 passed by the coordinate Bench in I.A.(C) No. 222/2025. In the said order, the coordinate Bench, upon noticing that the husband of opposite party No. 1 therein had, in fact, died on 10.07.2011 and upon taking note of the admission to that effect made in the affidavit-in-opposition, recalled the order dated 29.11.2022 passed in WP(C) No. 221/2019 on the ground that the said order had been obtained on the basis of a fraudulent certificate placed before the Court. Consequently, WP(C) No. 221/2019 was restored to the file of the Court for consideration by the appropriate Bench.

6. In view of the aforesaid order dated 23.06.2026 passed by the coordinate Bench, recalling the order dated 29.11.2022, based on which the order dated 21.11.2024 was passed, the consequential order passed in WP(C) No. 139/2024 cannot be permitted to remain in force.

7. In the facts and circumstances of the present case, and in view of the subsequent order dated 23.06.2026 passed by the coordinate Bench in I.A.(C) No. 222/2025, this Court is of the considered view that the order dated 21.11.2024 passed in WP(C) No. 139/2024 is liable to be recalled. Accordingly, the said order is hereby recalled, and the interlocutory application stands allowed.

8. Consequently, WP(C) No. 139/2024 is restored to its original

file and number. The writ petition shall be placed before the appropriate Bench for consideration in accordance with law.

9. This interlocutory application stands disposed of.

Sd/-

JUDGE

Comparing Assistant