

GAHC030000052025



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

Case No. : I.A.(Civil)/2/2025

Mizoram Rural Bank and Anr.
R/b its Chairman, Head Office, New Capital Complex, Khatla, Aizawl 2: The
General Manage

VERSUS

Smt Lalrimawii and Anr.
W/o P.C.Lalnunmawia (L), R/o New Serchhip, IOC Veng, Serchhip District, Mizoram
2:The Employee Provident Fund Organization (Ministry of Labour
Govt. of India

Advocate for the Petitioner : Mr C Zoramchhana

Advocate for the Respondent : Mr C Lalramzauva Sr. Adv. for R1

Linked Case : WA/1/2025

Mizoram Rural Bank and Anr.
R/b its Chairman
Head Office
New Capital Complex
Khatla
Aizawl

2: The General Manager
Mizoram Rural Bank
Head Office
New Capital Complex
Khatla
Aizawl

VERSUS

Smt Lalrimawii and Anr.
W/o P.C.Lalnunmawia (L) R/o New Serchhip
IOC Veng
Serchhip District
Mizoram

2:The Employee Provident Fund Organization (Ministry of Labour
Govt. of India)
R/b the Assistant P.F. Commissioner
North Eastern Region
Laitumkhrah Police Point
Shillong-793003

Advocate for the Petitioner : Mr C Zoramchhana

Advocate for the Respondent : Mr C Lalramzauva Sr. Adv. for R1

BEFORE

HON'BLE MRS. JUSTICE MARLI VANKUNG

HON'BLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

06.08.2025

(Marli Vankung, J)

Heard Mr. C. Zoramchhana, learned counsel for the applicant, also heard Mr. J. Malsawmzuala Vanchhawng, learned counsel for respondent No. 1.

2. This is an application filed u/s 5 of the Limitation Act, 1963 for the condonation of a delay of 57 days in filing the appeal against the Judgment & Order dated 18.10.2024 in WPC No 166 of 2023, passed by the learned Single Judge of the Gauhati High Court, Aizawl Bench.

3. The learned counsel for the applicant submits that the delay of 57 days in filing the connected writ appeal was not due to any negligence on the part of the applicants. He has explained the reason for the delay as follows:-

- (I) *That the online copy of the impugned Judgment & Order dated 18.10.2024, was obtain from the website on 25.10.2024, and the same was furnished to the General Manager of Mizoram Rural Bank (MRB), in the Head Office seeking for advise on 28.10.2024 (Monday).*
- (ii) *The General Manager forwarded the same to the Chairman of Mizoram Rural Bank (MRB) on 30.10.2025, for taking a decision whether or not to file an appeal against the said order.*
- (iii) *The Chairman on return from her tour on 04.11.2024, called for a meeting on 12.11.2024, wherein, it was decided that the appeal should be preferred against the Judgment & Order dated 18.10.2024.*
- (iv) *Thereafter, the decision to file an appeal was conveyed to the standing counsel on 14.11.2024. Meanwhile the statutory pre - period of 30 days elapsed on 17.11.2025.*
- (v) *The necessary papers for preparing of the condonation application and thereafter the memo of the appeal was prepared which was ready to be filed on 29.11.2024. The*

certified copy of the impugned Judgment and Order was applied on 03.12.2024, before the Registry of the Gauhati High Court, which was duly furnished to the learned counsel on 06.12.2024, thereafter, the memo of appeal was ready on 13.12.2024, which is a delay of 26 days.

4. The learned counsel submitted that even though the memo of appeal was ready on 13.12.2024, however, due to the Court's winter vacation from 14.12.2024 till 12.01.2025, the same was not filed and immediately on re-opening of the Court on 12.01.2025, the condonation of delay application and the appeal petition was filed which resulted in total of 57 days in filing the connected writ appeal whereas the actual delay is 26 days. He further stated that day to day explanation for the delay is not given in view of the Judgment of the Apex Court in ***Special Tehsildar, Land Acquisition, Kerela Vs. K.V. Ayisumma***, reported in ***(1996) 10 SCC 634***.

5. The learned counsel submitted that the applicant had acted diligently and had taken immediate steps for filing the connected appeal and also submitted that slight delay is inevitable since all decisions have to be taken by the members of the board and not by an individual officers and thus the delay was due to circumstances which is beyond their control. He further submitted that the appellants have sufficient grounds in the connected writ

appeal setting aside the impugned Judgment & Order dated 18.10.2024 passed by the learned Single Judge of the Gauhati High Court, Aizawl Bench. The learned counsel has also relied on the Judgment of the Apex Court report in ***State of Nagaland Vs. Lipok Ao & Ors.***, reported in ***(2005) 3 SCC 752.***

6. Per Contra, Mr. J. Lalmalsawma Vanchhawng submitted that the explanation given by the applicant for the delay of 57 days in filing the connected appeal against the Judgment of the learned Single Judge of the Gauhati High Court, Aizawl Bench has not been satisfactorily explained. The learned counsel submitted that despite obtaining the copy of the Judgment and Order on 25.10.2024, the reasons given for the delay are administrative matters only which do not justify such a substantial delay.

He further submitted that a perusal of the steps taken by the applicant show that the applicant has failed to demonstrate due diligence in pursuing the appeal and that lack of proper administrative coordination or departmental delay is not a sufficient ground for condoning of the delay. He submitted that the applicant bank organization is not serious in handling the case and therefore no grounds for condonation of the delay.

7. The learned counsel further submitted that the writ appeal is also

likely to be dismissed, since the learned Single Judge of the Gauhati High Court, Aizawl Bench in its Order dated 18.10.2024 has confirmed the clear statutory bar on forfeiture of the Contributory Provident Fund by deciding that the action of the applicant bank organization was against the Law. He thus prayed that the condonation of delay application may be dismissed.

8. We have given our due considerations to the submissions made by the learned counsels for both the parties.

We have perused the reasons given for the delay of 57 days in filing the connected appeal against the Judgment of the learned Single Judge of the Gauhati High Court, Aizawl Bench, and we find that the applicant had promptly taken the decision to prefer an appeal against the Judgment and Order of the learned Single Judge of the Gauhati High Court, Aizawl Bench, on 12.11.2024, it is also seen that the office procedure requires that such decision are required to be approved by the Board under the Chairmanship of the Chairman Mizoram Rural Bank (MRB). It is noted that the meeting could be held only on 12.11.2024, after the return of the Chairman from her tour.

This Court also finds that there is no inordinate delay in the steps taken by the applicant thereafter, by contacting their counsel to take steps

for preferring an appeal wherein, the learned counsel appears to have also taken the necessary steps with due diligence.

We find that the main cause of the delay appears to be due to the fact that the connected appeal was not filed during the Court's winter vacation, which is from 14.12.2024 till 12.01.2025 and thereafter, immediately after the re-opening of the Court on 13.01.2025, the Interlocutory Application and the appeal petition were filed.

9. In view of the above, being satisfied with the explanation given by the learned counsel for the applicant, we find that there was no gross negligence or laches on the part of the applicant and accordingly we find it appropriate to condoned the delay of 57 days in filing the connected appeal against the Judgment of learned Single Judge of the Gauhati High Court, Aizawl Bench.

10. Accordingly, I.A.(Civil) No. 2 of 2025 stands allowed and disposed of.

JUDGE

JUDGE

Comparing Assistant