

GAHC030003462021



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

Case No. : RFA/29/2021

Hmingchungnungi
Chanmari-I
Lunglei

VERSUS

H. Lalthangliana and 6 Ors
Lunglawn
Lunglei, Mizoram 2:Biakrawnsanga
Lunglawn
Lunglei

3:The Mizoram Rural Bank
Lunglei Branch
Branch Manager
Lunglei

4:The Chairman Mizoram Rural Bank
Aizawl

5:The Chief Secretary Govt of Mizoram
Aizawl

6:The Secretary Land Revenue and Settlement Department
Govt. of Mizoram
Aizawl

7:The Settlement Officer
LR and settlement Department
Lunglei
Lungle

Advocate for the Petitioner : Mr Lalfakawma

Advocate for the Respondent : Mr C Zoramchhana (Addl. AG/GA, Mizoram) for R5-R7

Linked Case : I.A.(Civil)/86/2021

Hmingchungnungi
Chanmari-I
Lunglei

VERSUS

H. Thangliana and 6 Ors
Lunglawn
Lunglei
Mizoram

Advocate for the Petitioner : Mr Lalfakawma
Advocate for the Respondent :

ORDER

Date : 26.10.2021

**BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO**

Heard Mr. Lalfakawma, learned counsel for the appellant, who submits that the appellant being aggrieved with the Judgment & Order dated 23.04.2021 passed in Civil Suit No. 1/2017 by the Court of Senior Civil Judge, Lunglei has filed the instant appeal by invoking Section 17 of the Mizoram Civil Courts Act and also Order XLI Rule 1 and Section 151 of the Code of Civil Procedure. The learned counsel submits that although this appeal was filed on 08.10.2021, there is no delay in filing the same in view of the Order dated 23.09.2021 passed by the Supreme Court in Misc. Appln. No. 665/2021 in SMW(C) No. 3 of 2020 (In Re : Cognizance for Extension of Limitation). The learned counsel submits that as per the order of the Apex Court, the period from 15.03.2020 till 02.10.2021 has been excluded from being counted as the limitation period. Therefore, he submits that the instant appeal has been filed

on time.

The learned counsel further submits that one of the main grounds of appeal amongst others is that although Trial Court came to a finding that the transfer of LSC No. 276/1980 and its mutation in the name of appellant/plaintiff was done by following due process but however, the appellant was declared to have no right and title over the suit land. Considering the grounds of appeal raised by the appellant, the same requires to be examined.

In view of above, let the appeal be admitted. Call for the LCR. Issue notice to the respondents returnable by 4 (four) weeks. Mrs. H. Lalmalsawmi, learned Government Advocate appears and accepts notice on behalf of the respondent Nos. 5, 6 & 7. As such, no formal notice will be required on the said respondents. However, the appellant to serve requisite copies of the Memorandum of Appeal to the Government Advocate, if not already done. Let steps be taken for service of notice upon the remaining respondents by registered post with A/D due within 3 (three) days.

List the matter again **after 4 (four) weeks.**

JUDGE

Comparing Assistant