

GAHC030004272020



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

Case No. : RSA/5/2020

Lalrinmawii
New Siaha, Siaha, Mizoram

VERSUS

C Lalnunthanga and Anr
Siaha, Siaha District

Advocate for the Petitioner : Mr J C Lalnunsanga

Advocate for the Respondent : Mr A.R. Malhotra for R1

ORDER

Date : 30.09.2021

BEFORE

HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

The proceeding is conducted via remote Video Conference.

Mr. A.R. Malhotra, learned counsel for the respondent No. 1 prays that the matter may be adjourned as he is not prepared today. He further submits that he will obtain instructions with regard to whether the respondent No. 2 is going to engage him in the present case or not.

Mr. J.C. Lalnunsanga, learned counsel for the appellant

submits that he does not have any objection to the prayer made by the learned counsel for the respondent No. 1. He however submits that the respondent Nos. 1 & 2 had jointly filed Heirship Case No. 1/2019, where they were both represented by one counsel. Even in the Regular First Appeal, the respondent Nos. 1 & 2 were represented by one counsel. He submits that the respondent No. 2 is the step son of the appellant. The respondent No. 1 on the other hand is the brother of the appellant's husband.

On perusal of the order sheets and the office notings, it is seen that notice had been sent to the respondent No. 2. However, there is no return of A/D card from the respondent No. 2.

In terms of the proviso to Sub-Rule 5 of Rule 9 Order 5 CPC, notice is deemed to be served upon the respondent No. 2. It is made clear that if the respondent No. 2 is not represented on the next date, the matter may be heard exparte the respondent No. 2.

List the matter again **after Vacation.**

JUDGE

Comparing Assistant