GAHC030006002023

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

Case No. : RFA/43/2023

Sh. B. Sanghnuna (L) R/b his legal representative and wife Smt. F. Lawmzuali
R/o Tuikhuahtlang, Aizawl, Mizoram

VERSUS

The Union of India represented by the Chief Engineer and 3 Ors.
Project Pushpak, Zemabawk, Aizawl, C/o 99 APO 2:The Chief Engineer
Project Pushpak
Zemabawk
Aizawl
C/o 99 APO

3:The Secretary to the Govt. of Mizoram
Revenue Department
Aizawl

4:The Deputy Commissioner-cum-District Collector
Aizawl District
Aizaw

Advocate for the Petitioner : Mr A.R. Malhotra

Advocate for the Respondent : Ms Zairemsangpuii, CGC for R1&R2

ORDER

BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO

15.10.2024

Heard Mr. A.R. Malhotra, learned counsel for the appellant who submits that being aggrieved with the Judgment & Order dated 18.09.2018 passed by the Court of Senior Civil Judge-IV, Aizawl in Civil Suit No. 30/2008, the appellant has filed the instant appeal. He submits that the instant appellant was the plaintiff before the learned Trial Court and the learned Trial Court although decided most of the issue in favor of the appellant but dismissed the Suit ultimately on grounds of delay. The learned counsel submits that the learned Trial Court has misinterpreted Article 65 of the Limitation Act in view of the fact that the opposite party had never pleaded adverse position.

In view of above, let the appeal be admitted. Call for the LCR.

Issue notice to the respondents, returnable by three (3) weeks. Ms. H. Lalmalsawmi, learned Govt. Advocate appears and accepts notice on behalf of the respondent Nos. 3 & 4 while Ms. Zairemsangpuii, learned CGC appears and accepts notice on behalf of the respondent Nos. 1 & 2. Service is therefore complete. Appellant shall serve requisite extra copies of the Memo of Appeal to the learned

counsels appearing today, if not already done.

List the matter again after three (3) weeks along with the LCR.

JUDGE

Comparing Assistant