

GAHC030006332024



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

**Case No. : RFA/34/2024**

Smt. Chawngthantluangi  
D/o Hnunliana (L)  
R/o Mission Veng  
Aizawl

VERSUS

Smt. Saikhumi (L) and Anr.  
W/o Hnunliana (L)  
R/o Mission Veng  
Aizawl

Represented by  
Her Son Sh. Chawngthansanga

S/o Hnunliana(L)  
R/o Mission Veng

and her daughter  
Smt. Chawngthanzuali  
D/o Hnunliana (L)  
R/o Mission Veng  
Aizawl

2:Sh. Chawngthansanga  
S/o Hnunliana(L)  
R/o Mission Veng  
Aizawl

Advocate for the Petitioner : Mr. Lalpianfela Chawngthu  
Advocate for the Respondent : Mr. C Tlanthianghlina  
Legal Aid Counsel

**ORDER**  
**BEFORE**  
**HONOURABLE MR. JUSTICE NELSON SAILO**

**17.03.2025**

Heard Mr. Lalpianfela Chawngthu, learned counsel for the appellant and Mr. C. Tlanthianghlina, learned counsel who appears as a Legal Aid Counsel. The learned counsel for the appellant submits that this appeal has been filed challenging the orders dated 20.01.2022 and 11.11.2022 by which Heirship Certificate Nos. 27/2022 and 1856/2022 respectively were issued to the respondent by the Court of Senior Civil Judge, Aizawl without giving any opportunity to the appellant to raise objection or made her claim on the property in question.

**[2.]** The learned counsel submits that if notice was issued by way of newspaper publication or even by making the appellant party respondent, the appellant would have raised her objection to the application since she also has a right or better claim to the property in question as an unmarried daughter of the deceased Sh. Hnunliana. He therefore submits that the two (2) impugned orders dated 20.01.2022 and 11.11.2022 granting Heirship Certificate Nos. 27/2022 and 1856/2022 to the respondent should be set aside and the appellant be

given the opportunity to raise her objection.

**[3.]** Mr. C. Tlanthianghlma, learned Legal Aid Counsel appearing for the respondent submits that the appellant cannot say that she has a better claim merely by being an unmarried daughter. However, as it appears that no notice was issued to the appellant or any other interested person prior to issuance of the Heirship Certificate and therefore, under the circumstance, Court may consider and pass appropriate order as it deems fit and proper.

**[4.]** Upon perusal of the material available on record, there is no indication that the appellant has been given chance to oppose the Heirship Certificate submitted by the respondent before the Court of Senior Civil Judge, Aizawl and such being the position, the principles of natural justice has been violated and therefore Court is of the view the matter should be re-considered by the learned Court below by giving due opportunity to the parties interested for making a claim on the property in question.

**[5.]** In view of above, the impugned Orders dated 20.01.2022 and 11.11.2022 granting Heirship Certificate Nos. 27/2022 and 1856/2022 respectively are hereby set aside. The matter stands remanded back to the Court of Senior Civil Judge concerned, Aizawl for consideration afresh by giving due opportunities to the parties concerned to submit their respective claim. Since the parties are

represented before this Court today, parties are directed to appear before the Court concerned on 24.03.2024 along with the copy of this Order whereafter, the learned Court below shall proceed with the matter in accordance with law and make an endeavor to dispose of the matter as expeditiously as possible.

**[6.]** With the above direction and observation, the appeal stands disposed of.

**JUDGE**

**Comparing Assistant**