

GAHC040003892022



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

Case No. : IA(C)/8/2025

Pinken Doji
Age: 52
Occupation :
Address:Son of Tumpin Doji
Village Doji Jeko
PO and PS Aalo
District West Siang
Arunachal Pradesh.

VERSUS

Hogge Doji and Anr
Age: 0
Occupation :
Address:Son of Late Paksok Doji
Village Doji Jeko
PO and PS Aalo
District West Siang
Arunachal Pradesh.
2:Jumduk Doji
Age: 0
Occupation :
Address:Son of Late Pakjum Doji
Village Doji Jeko
PO and PS Aalo
District West Siang
Arunachal Pradesh.

Advocate for : Binter Picha
Advocate for : Dicky Panging appearing for Hogge Doji and Anr: Advocate ,
appearing for 2, respectively.

Linked Case : **CRP/9/2022**

Pinken Doji
S/o Tumpin Doji,
Village Doji Jeko, PO/PS Aalo, District West Siang, Arunachal Pradesh.
Ph 8258040719

VERSUS

Hogge Doji and Anr.
S/o Lt. Paksok Doji,
Village Doji Jeko, PO/PS Aalo, District West Siang, Arunachal Pradesh. 2:Jumdak
Doji
Age: 0
Occupation :
S/o Lt. Pakjum Doji

Village Doji Jeko
PO/PS Aalo
District West Siang
Arunachal Pradesh

Advocate for the Petitioner : Binter Picha, Jungam Jini, Tao Tarin, Adam Tatak, Tsering Gyatso, Kamin Mize

Advocate for the Respondent : Dicky Panging, D Tamuk, T Tayeng, Doge Lona, Kirmar Ado

BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 25.05.2026

Heard Mr. Binter Picha, learned counsel for the applicant. Also heard Mr. T. Darin, learned counsel for the Opposite Parties.

2. By filing this application under Order VI Rule 17 of the Code of Civil Procedure, 1908, the applicant/petitioner has prayed for amendment of paragraph Nos. 23 & 25 as well as the prayer portion of the connected Civil Revision Petition being CRP No. 09(AP)2022 in terms of the proposed amendments.

3. The proposed amendments to be incorporated in place of paragraph Nos. 23 & 25 and prayer of CRP No. 09(AP)2022, as stated in the application, are stated, as under:

"23. That the petitioner begs to state that subsequently, basing on the Civil appeal No. 03/2021 filed by the petitioner and affidavit filed by the respondents, the learned Court of the District Judge, Aalo, West Siang District, Arunachal Pradesh, vide its Judgment and Order dated 21.12.2021 has rejected the appeal filed by the petitioner on the ground of Res Judicata, by holding that the Deputy Commissioner under Section 46 of AFR, 1945 and the District Judge under Section 15 (3) of APCC Act, 2021, holds parallel appellate jurisdiction. It is to state that Judgment and Order dated 21.12.2021 passed in Civil Appeal No. 03/2021 is a closed door for the petitioner to challenge the decision of village authority dated 20.03.2017 before the competent Court, for the reason that, if at all the petitioner will succeed in his Civil Revision Petition, the Judgment and Order dated 21.12.2021 would be a direct bar to the petitioner to again approach Court of the District Judge, Aalo, West Siang District, Arunachal Pradesh, for filing appeal against the decision of village authority dated 20.03.2017. Besides, the Judgment and Order dated 21.12.2021 passed in Civil Appeal No. 03/2021 by the Court of the District Judge, Aalo, West Siang District, Arunachal Pradesh, is direct offshoot of impugned Order dated 30.06.2021 passed in Case No. WS/JK/TS-292/2017(P) by the Court of the Deputy Commissioner, Aalo, West Siang District, Arunachal Pradesh, as the principle of res judicata has been applied while passing the Judgment and Order dated 21.12.2021. Due to extraordinary situation of the case and as a measure of consequential relief and to avoid multiplicity of litigation and for ends of justice, this Hon'ble Court may be pleased to quash and set aside the impugned Judgment and Order dated 21.12.2021 passed in Civil Appeal No. 03/2021 by the Court of the District Judge, Aalo, West Siang District, Arunachal Pradesh."

"25. (VI). That due to passing of confusing Order dated 30.06.2021 in returning the appeal petition with liberty to approach competent Court and deciding the maintainability of the appeal, the petitioner has been left forum less, as the Court of the District Judge, Aalo, West Siang District, Arunachal Pradesh, vide its Judgment and Order dated 21.12.2021 has also rejected the Civil Appeal No. 03/2021 filed by the petitioner on the ground of Res Judicata, since the Judgment and Order dated 21.12.2021 is direct offshoot of impugned Order dated 30.06.2021, thus, in the present extraordinary situation and as a measure of consequential relief and to avoid multiplicity of litigation and for ends of justice, this Hon'ble Court may be pleased to quash and set aside the impugned Judgment and Order dated 21.12.2021 passed in Civil Appeal No. 03/2021."

"PRAYER:-

In the premises aforesaid it is most humbly prayed that your Lordship may be pleased to call for the records, issue notice, calling upon the respondents to show cause as to why:-

I. The impugned Judgment and Order dated 30.06.2021 passed by the Court of the Deputy Commissioner, Aalo, West Siang District, Arunachal Pradesh, in Appeal bearing Case No. WS/JK/TS-292/2017(P) (Shri Pinken Doji -Vrs-Hogge Doji & Ors), shall not be quashed and set aside.

II. The impugned Judgment and Order dated 21.12.2021 passed by the Court of the District Judge, Aalo, West Siang District, Arunachal Pradesh in Civil Appeal No. 03/2021 (Shri Pinken Doji -Vrs- Hogge Doji & 3 Ors), shall not be quashed and set aside.

III. Allow the petitioner to file appeal against the decision of village authority dated 20.03.2017 before the competent Court.

IV. And on cause or causes being shown and upon hearing the parties, this Hon'ble Court may be pleased make the notice absolute and be pleased to pass such other or further order(s) as to this Hon'ble Court may deem fit and proper."

4. Considering the ground stated in the application and in view of no objection raised by Mr. Darin, learned counsel for the respondents; the prayer for amendment of paragraph Nos. 23 & 25 as well as the prayer portion of CRP No. 09(AP)2022, is allowed.

5. As sought for, the petitioner is permitted to carry on the amendment and granted 3(three) weeks time from today to amend the connected Civil Revision Petition being CRP No. 09(AP)2022, in terms of the proposed amendment stated in the application.

6. Registry to allow and do the needful.

7. With the above, the interlocutory application stands allowed and accordingly, disposed of.

JUDGE

Comparing Assistant