

GAHC040001172017



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

Case No. : RFA/6/2017

SHRI TARH KUYU S/O LT. TARH TAI, RESIDENT OF POLO COLONY, PO/PS
NAHARLAGUN, PAPUM PARE DIST., AP.

VERSUS

SHRI GEMAR LOLLEN S/O LT. JUMGE LOLLEN, PROPRIETOR M/S M.L.
ENTERPRISES, PERMANENT RESIDENT OF KOMBO PAPAK, PO/PS AALO,
WEST SIANG DIST, AP.

2:SHRI DOLI ETE Age: 0 Occupation : S/O JUMDO ETE
PERMANENT RESIDENT OF POBDI VILLAGE
PO/PS AALI WEST SIANG DIST. AP.

3:SHRI GADAM ETE Age: 0 Occupation :
S/O BINGA ETE PERMANENT RESIDENT OF DARKA VILLAGE
PO/PS AALO WEST SIANG DIST. AP

Advocate for the Petitioner : MR.K Loya, R Ngomle,MR.M Ete,B Tajik,MrN Ratan,T Taggu

Advocate for the Respondent : , MR.K Lollen,MrK Bogo,MR.L Bam,,

Linked Case : IA(C)/36/2017

SHRI TARH KUYU Age: 0 Occupation :
Address:S/O LT. TARH TAI RESIDENT OF POLO COLONY
PO/PS NAHARLAGUN PAPUM PARE DISTRICT AP.

VERSUS

SHRI GEMAR LOLLEN Age: 0Occupation :
Address:S/O LT. JUMGE LOLLEN PROPRIETOR M/S M.L. ENTERPRISES
PERMANENT RESIDENT OF KOMBO PAPAK
PO/PS AALO WEST SIANG DISTRICT A P.

2:SHRI DOLI ETE Age: 0 Occupation :
Address:S/O JUMDO ETE PERMANENT RESIDENT OF POBDI VILLAGE
PO/PS AALO WEST SIANG DISTRICT AP.

3:SHRI GADAM ETE Age: 0 Occupation :
Address:S/O BINGA ETE PERMANENT RESIDENT OF DARKA VILLAGE
PO/PS AALO WEST SIANG DISTRICT AP.

Advocate for : T Taggu

Advocate for : appearing for SHRI GEMAR LOLLEN: Advocate , appearing for 2,
3, respectively.

Linked Case : RFA/3/2017

SHRI GADAM ETE Age: 0 Occupation : Address:S/O BINGA ETE
PERMANENT RESIDENT OF DARKA VILLAGE
PO/PS AALO WEST SIANG DISTRICT AP. MOBILE NO. 8414814647

VERSUS

SHRI GEMAR LOLLEN Age: 0 Occupation : Address:S/O LT. JUMGE LOLLEN
PROP. M/S M.L. ENTERPRISES PERMANENT RESIDENT OF KOMBO PAPAK
PO/PS AALO WEST SIANG DISTT. AP.

2:SHRI TARH KUYU Age: 0 Occupation : Address:S/O LT. TARH TAI
RESIDENT OF POLO COLONY PO/PS NAHARLAGUN
PAPUM PARE DISTT. AP.

3:SHRI DOLI ETE Age: 0 Occupation :
Address:S/O JUMDO ETE
PERMANENT RESIDENT OF POBDI VILLAGE
PO/PS AALO WEST SIANG DISTT. AP.

Advocate for : MrD Panging

Advocate for : T Taggu appearing for SHRI GEMAR LOLLEN: Advocate ,
, appearing for 2, 3, respectively.

Linked Case : IA(C)/26/2017

SHRI DOLI ETE Age: 0 Occupation :
Address:S/O JUMDO ETE PERMANENT RESIDENT OF POBDI VILLAGE
PO/PS AALO WEST SIANG DISTT. AP.

VERSUS

SHRI GEMMAR LOLLEN Age: 0 Occupation :
Address:S/O LT. JUMGE LOLLEN PROP. M/S M.L. ENTERPRISES
PERMANENT RESIDENT OF KOMBO PAPAK

PO/PS AALO WEST SIANG DISTRICT AP.

2:SHRI TARH KUYU Age: 0 Occupation : Address:S/O LT. TARH TAI
RESIDENT OF POLO COLONY PO/PS NAHARLAGUN
PAPUM PARE DISTT. AP.

3:SHRI GADAM ETE Age: 0 Occupation :
Address:S/O BINGA ETE
PERMANENT RESIDENT OF DARKA VILLAGE
PO/PS AALO WEST SIANG DISTT. AP.

Advocate for : G Taloh
Advocate for : appearing for SHRI GEMMAR LOLLEN: Advocate ,
, appearing for 2, 3, respectively.

Linked Case : RFA/5/2017

SHRI DOLI ETE Age: 0 Occupation :
Address:S/O SHRI JUMDO ETE
VILLAGE POBDI PO/PS AALO WEST SIANG DISTRICT
AP. MOBILE NO. 8256964634

VERSUS

SHRI GEMAR LOLLEN
Age: 0 Occupation : Address:S/O LT. JUMGE LOLLEN
PROPRIETOR M/S M.L ENTERPRISEES
PERMANENT REISENT OF KOMBO PAPAK
PO/PS AALO WEST SIANG DISTRICT AP.

2:SHRI TARH KUYU Age: 0 Occupation :
Address:S/O LT. TARH TAI RESIDENT OF POLO COLONY
PO/PS NAHARLAGUN PAPUM PARE DISTRICT AP.

3:SHRI GADAM ETE Age: 0 Occupation :
Address:S/O BINGA ETE PERMANENT RESIDENT OF DARKA VILLAGE
PO/PS AALO WEST SIANG DISTRICT
A P.

Advocate for : MR.Y Riram
Advocate for : MrN Ratan appearing for SHRI GEMAR LOLLEN: Advocate ,
, appearing for 2, 3, respectively.

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 29.05.2025

Heard Mr. Dicky Panging, learned counsel, and Mr. Uttam Bori, learned counsel, appearing on behalf of their respective appellants. Also heard Mr. Kemo Lollen, learned counsel, appearing on behalf of the sole respondent in all these appeals.

During the course of hearing of the present appeals, an issue has arisen as to the manner in which the provisions of sub-Section (2) of Section 15 of the Arunachal Pradesh Civil Courts Act, 2021, is to be interpreted with regard to the determination of a forum for preferring an appeal from the decree passed by the Court of Civil Judge(Sr. Dvn.) in an Original Suit instituted before it.

While the learned counsels for the appellants would like to contend that the appeals, given the language in which sub-Section (2) of Section 15 of the Arunachal Pradesh Civil Courts Act, 2021, is so couched; would be either before the District Judge, or, the Addl. District Judge, or, the High Court which is contended to be a choice required to be made by the appellant, Mr. Lollen, learned counsel for the sole respondent in these appeals, has, however, submitted that considering the provisions of Section 96 and 100 of the Arunachal Pradesh Civil Courts Act, 2021, when read along with the provisions of Section 15 of the Act, the appeal from the decree passed by the Court of Civil Judge(Sr. Dvn.) in an Original Suit instituted before it, shall lie only to the District Judge, in-as-much as, no pecuniary limit in the State of Arunachal Pradesh is prescribed for entertainment of the appeals by a District Judge and/or the Addl. District Judge, as the case may be.

In view of the above position, this Court is of the considered view that the learned Advocate General, Arunachal Pradesh, is required to heard in these appeals.

Accordingly, the learned Advocate General, Arunachal Pradesh, is requested to assist the Court in these appeals on the next date of listing.

Learned counsels for the appellants shall furnish their respective copies of the memo of appeal along with the other pleadings to the office of the learned Advocate General, Arunachal Pradesh, along with a downloaded copy of this order.

List all these matters after 3 weeks on a date to be fixed by the Registry.

JUDGE

Comparing Assistant