

GAHC040005572020



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

Case No. : SAO 1/2020

1:TUMYA BOGO
S/O LT. BETUM BOGO, R/O DEGO KAMKI VILLAGE, KAMBA, PO/PS
KAMBA, WEST SIANG DISTRICT,A P.

VERSUS

1:SHRI DESSO BOGO
DESSO BOGO, S/O LT. DEDEK BOGO, R/O BOGO VILLAGE, DARAK CIRCLE,
PO/PS KAMBA, WEST SIANG DISTRICT,A P.

Advocate for the Petitioner : Dicky Panging

Advocate for the Respondent : Tabit Tapak

BEFORE
HONBLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 08-12-2021

Heard Mr. D. Panging, learned counsel for the appellant. Also heard Mr. T. Tapak, learned counsel for the respondent.

Also perused the judgment of the learned First Appellate Court and the documents placed on record.

Upon hearing the learned Advocates of both sides and considering the facts and circumstances on the record, this Court is satisfied to hold that there is substantial questions of law which have bearing upon the outcome of the case. Accordingly, following substantial questions of law are framed –

- 1) Whether the First Appellate Court has rightly allowed the appeal without the memo of appeal not being accompanied by any petition for condonation of delay and without condoning of delay of 92 days and without the decree being enclosed therewith.
- 2) Whether the First Appellate Court has rightly remanded the matter to the learned Trial Court to continue with the Suit No. 07/2017, while the prayer of respondent/ defendant for filing the list of witnesses was rejected in Misc. Case No. 31/2017 vide order dated 21.08.2017, which, in the meantime, attained finality.

In view of above, the Second Appeal is admitted for hearing.

Let the record from the learned Court below be called for.

List the matter for hearing after 2 (two) weeks.

JUDGE

Comparing Assistant