

GAHC040006452025



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

Case No. : CRP/37/2025

Badang Tayeng
Son of Shri Tokkep Tayeng, resident of Damro Village, PO and PS Mariyang, Upper
Siang District, Arunachal Pradesh.

VERSUS

Sony Binggep and 3 Ors
Son of Shri Hatet Binggep, resident of Village Dalbing, PO and PS Mariyang, Upper
Siang District, Arunachal Pradesh. 2:Bom Tayeng
Age: 0
Occupation :
Son of Shri Lilum Tayeng
resident of Motum Village
PO and PS Mebo
East Siang District
Arunachal Pradesh.

3:Gemin Perme
Age: 0
Occupation :
Son of Shri Gerep Perme
resident of Motum village
PO and PS Mebo
East Siang District
Arunachal Pradesh.

4:Toni Borang
Age: 0
Occupation :
Son of Lte Jairam Borang
resident of Motum Village
PO and PS Mebo
East Siang District

Arunachal Pradesh

Advocate for the Petitioner : Orin Modi, S Taye, Ajit Bonia, Duram Miyu, Nabam Hari, Noni Nobeng, Pura Khongkhung

Advocate for the Respondent : ,

-BEFORE-

HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

-O R D E R-

05.05.2025

Heard Mr. O Modi, learned counsel for the petitioner.

The present application is filed assailing an order dated 20.01.2025 passed in Civil Appeal (Kebang) Case No. 01/2025 along with Misc Case No. 01/2025. It is the case of the petitioner that though inadvertently an application for condonation of delay under Section 5 of the Limitation Act was filed in preferring the aforesaid appeal against Kebang decision dated 11.11.2024 and 14.12.2023, however, the learned court below has dismissed the aforesaid appeal treating the same to be time barred appeal inasmuch as Section 5 of the Limitation Act is not appealable.

Issue notice, returnable after four weeks.

The petitioner shall take steps for service of notice upon the respondents by way of registered post with A/D and by usual process within a period of five days from today.

Considering the nature of allegation, it is provided that status quo in respect of the disputed land shall be maintained till the next date. However, the question of maintainability of the present revision petition is also kept open.

JUDGE

Comparing Assistant