

GAHC040015922025



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

Case No. : CRP/90/2025

Gilli Kambu

Son of Rogi Kambu, permanent resident of Pakam Village, West Siang District and presently residing at Model village, PO and PS Naharlagun, Itanagar Capital Region, Arunachal Pradesh. Father and natural Guardian of Shri Liken Kambu.

VERSUS

Rido Marjum Laye

resident of Abotani Colony, PO and PS Itanagar, Itanagar Capital Region, Arunachal Pradesh.

Advocate for the Petitioner : Rage Koyu, Tassar Tato, Rup Techhi Tara, Hage Tai, Likha Tabin

Advocate for the Respondent : ,

BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG
ORDER

15.09.2025

Heard Mr. R. Koyu, learned counsel for the petitioner.

By filing this application under Article 227 of the Constitution of India, the petitioner has challenged the MEL Order/Notice dated 06.08.2025 issued by the Head Gaon Burah, ICR, and the MEL Orders dated 09.08.2025 and 17.08.2025, issued by the Head Gaon Burah/Presiding Customary Judge of the Apex Customary Court of Arunachal Pradesh-cum-President of AAPGP & GBWA. These orders directed the petitioner's minor son to attend the customary NYILEY fixed on 17.09.2025, along with witnesses and evidence, failing which an *ex-parte* order would be passed against him.

Issue notice to the respondent, returnable by 4(four) weeks.

The learned counsel for the petitioner shall take steps for service of notice upon respondent by registered post with A/D as well as usual process within a week from today.

Call for the scanned copy of the Trial Court Record.

Mr. Koyu, learned counsel for the petitioner, has submitted that the respondent has filed a complaint before the Gaon Burah/Presiding Customary Judge of the Apex Customary Court of Arunachal Pradesh, Upper Dobam, Karsingsa, alleging that the petitioner's minor son committed forceful sexual assault (illicit relationship/extra-marital affair) against the respondent's wife.

He further submits that, the allegation leveled against the petitioner's son

is criminal in nature, and that neither the Gaon Burah nor the Apex Customary Court has jurisdiction to adjudicate criminal matters of this nature under the Arunachal Pradesh Civil Court Act, 2021. Accordingly, the petitioner has prayed for a stay/suspension of the impugned orders.

Considering the submission made by the learned counsel for the petitioner, further proceedings in respect of the impugned MEL Order dated 06.08.2025 issued by the HGB, ICR, and the MEL Orders dated 09.08.2025 and 17.08.2025 issued by the HGB, Presiding Customary Judge of the Apex Customary Court of Arunachal Pradesh-cum-President of AAPGB & GBWA, shall remain stayed till the disposal of the matter.

List the matter after **4(four) weeks**.

JUDGE

Comparing Assistant