

GAHC040018642025



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

Case No. : RSA/11/2025

Hoktum Ori
Son of Late Marshok Ori, resident of PI Colony, PO and PS Aalo, West Siang District,
Arunachal Pradesh.

VERSUS

Karsen Lollen
Son of Shri Mokar Lollen, resident of Dego Village, PO and PS Aalo, West Siang
District, Arunachal Pradesh.

Advocate for the Petitioner : Lissing Perme, T Tagam, Tabung Nonang, Signal Yirang, A
Perme, Krishna Dubey

Advocate for the Respondent : Rintu Saikia, Mindo Taso, Idak Bam, Bomchi Taipodia, Limi
Bam, Ligam Nochi

BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 18.02.2026

Heard Mr. L. Perme, learned counsel for the appellant. Also heard Mr. L. Nochi, learned counsel for the sole respondent.

- 2.** The memo of appeal filed by the appellant has been perused.
- 3.** The appellant has formulated the substantial question of law(s) in the

memorandum of appeal.

4. Upon hearing the parties and on perusal of the material on record, this Court is satisfied that the following substantial questions of law arise for consideration in this second appeal:

(i) Whether the learned appellate Court and Trial Court wrongly negated the proof of Exhibits P-3 and P-4 on the ground of non-examination of their authors, despite their genuineness being conclusively established by the Police Report in Aalo PS Case No. 77/2016 (Exhibits P-8 series) without objection, and whether this constitutes an erroneous application of the secondary evidence rule under Sections 63 (Section 58 of BSA, 2023), 65 (Section 60 of BSA, 2023), and 68 (Section 67 of BSA, 2023) of the Indian Evidence Act, 1872, particularly where investigative closure reports in forgery probes authenticate documents in civil proceedings?

(ii) Whether the learned appellate Court and Trial Court erred in determining the suit schedule's boundary description (Eastern bank as Sipu River, substantiated by plaintiff witnesses and old records), by holding the claim barred by principles of estoppel by conduct, waiver, and good conscience based on festival rentals, and whether this raises a perverse application of Section 115 (Section 121 of BSA, 2023) of the Indian Evidence Act, 1872, to undisputed natural boundaries and long possession claims?

5. Accordingly, the second appeal is admitted on the above substantial question of law.

6. Since the Trial Court record has been received, this matter may be listed for hearing after 3 (three) weeks.

7. Regarding prayer for interim order, Mr. Nochi, learned counsel for the sole respondent, submits that he has not yet filed any execution petition pursuant to the judgment and order dated 14.08.2025, passed by the learned District Judge, Aalo in Title Appeal No. 03/2023, affirming the Judgment and Order dated 10.11.2023, passed by the learned Civil Judge (Senior Division), Aalo in Title Suit No. 01/2016, and since the matter has been listed for final hearing, he has undertaken not to file any execution petition till the disposal of this appeal.

8. In view of the undertaken given by the learned counsel for the sole respondent, no stay of the above order is required at this stage. However, at an appropriate stage, the appellant may press for an interim order.

JUDGE

Comparing Assistant