

GAHC040020582025



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

Case No. : CRP/109/2025

Gollo Paso and 9 Ors

Son of Late Gollo Nyania, resident of Langik Village, PO Mengio, PS Sagalee,
Papum Pare District, Arunachal Pradesh. 2: Likha Tajik

Age:

Occupation :

Son of Late Likha Epo
resident of Langik Village
PO Mengio
PS Sagalee
Papum Pare District
Arunachal Pradesh.

3: Tarh Punio

Age:

Occupation :

Son of Tarh Kame
resident of Langik Village
PO Mengio
PS Sagalee
Papum Pare District
Arunachal Pradesh.

4: Gyamar Tate

Age:

Occupation :

Son of Late Gyamar Tara
resident of Langik Village
PO Mengio
PS Sagalee
Papum Pare District
Arunachal Pradesh.

5: Taba Tasso

Age:
Occupation :
Son of Late Taba Tajik
resident of Langik Village
PO Mengio
PS Sagalee
Papum Pare District
Arunachal Pradesh.

6: Tarh Tamer
Age:
Occupation :
Son of Tarh Kame
resident of Langik Village
PO Mengio
PS Sagalee
Papum Pare District
Arunachal Pradesh.

7: Smti Gollo Yayum
Age:
Occupation :
Wife of Late Gollo Chuku
resident of Langik Village
PO Mengio
PS Sagalee
Papum Pare District
Arunachal Pradesh.

8: Likha Tada
Age:
Occupation :
Son of Likha Tagi
resident of Langik Village
PO Mengio
PS Sagalee
Papum Pare District
Arunachal Pradesh.

9: Gollo Agung
Age:
Occupation :
Son of Late Gollo Chuku
resident of Langik Village
PO Mengio
PS Sagalee
Papum Pare District
Arunachal Pradesh.

10: Gollo Tadik

Age:

Occupation :

Son of Late Gollo Nyania
resident of Langik Village

PO Mengio

PS Sagalee

Papum Pare District

Arunachal Pradesh

VERSUS

Taba Tallo and 15 Ors

Son of Late Taba Taram, resident of Totpu Village, PO and PS Sagalee, Papum Pare District, Arunachal Pradesh. 2:Taba Tara

Age: 0

Occupation :

Son of Late Taba Tajik
resident of Langik Village

PO Mengio

PS Sagalee

Papum Pare District

Arunachal Pradesh.

3:Taba Ballo @ Tallo

Age: 0

Occupation :

Son of Late Taba jabor
resident of Kullung Village

PO Mengio

PS Sagalee

Papum Pare District

Arunachal Pradesh.

4:Taba Changriang

Age: 0

Occupation :

Son of Late Taba Taluk
resident of Kullung Village

PO and PS Sagalee

Papum Pare District

Arunachal Pradesh.

5:Taba Tassar

Age: 0

Occupation :

Son of Late Taba Tajik

resident of Sangring Village
PO and PS Sagalee
Papum Pare District
Arunachal Pradesh.

6:Taba Chakiang
Age: 0
Occupation :
Son of Late Taba Tajik
resident of Sangring Village
PO and PS Sagalee
Papum Pare District
Arunachal Pradesh.

7:Taba Kasam
Age: 0
Occupation :
Son of Late Taba Tajik
resident of Sangring Village
PO and PS Sagalee
Papum Pare District
Arunachal Pradesh.

8:Taba Tagu
Age: 0
Occupation :
Son of late Taba Tajik
resident of Sangring Village
PO and PS Sagalee
Papum Pare District
Arunachal Pradesh.

9:Taba Taping
Age: 0
Occupation :
Son of late Taba Tajik
resident of Sangring Village
PO and PS Sagalee
Papum Pare District
Arunachal Pradesh.

10:Taba Takik
Age: 0
Occupation :
Son of Late Taba Tajik
resident of Sangring Village
PO and PS Sagalee
Papum Pare District

Arunachal Pradesh.

11:Taba Tatang

Age: 0

Occupation :

Son of Late Taba Tajik

resident of Sangring Village

PO and PS Sagalee

Papum Pare District

Arunachal Pradesh.

12:Taba Take

Age: 0

Occupation :

Son of Late Taba Tajik

resident of Sangring Village

PO and PS Sagalee

Papum Pare District

Arunachal Pradesh.

13:Taba Tarang

Age: 0

Occupation :

Son of Late Taba Takia

resident of Gungtung Village

PO and PS Sagalee

Papum Pare District

Arunachal Pradesh.

14:Taba Hachang

Age: 0

Occupation :

Son of Late Taba Tara

resident of Rubdik Village

PO and PS Yazali

Keyi Panyor District

Arunachal Pradesh.

15:Taba Tai

Age: 0

Occupation :

Son of Taba Hachang

resident of Yachuli

PO and PS Yachuli

Keyi Panyor District

Arunachal Pradesh.

16:Taba Tabang

Age: 0
Occupation :
Son of Late Tara
resident of Yachuli
PO and PS Yachuli
Papum Pare District
Arunachal Pradesh

Advocate for the Petitioner : Rage Koyu, Hage Tai, Likha Tabin

Advocate for the Respondent : ,

**BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA**

ORDER

Date : 12.12.2025

Heard Mr. R. Koyu, learned counsel appearing for the petitioners.

2. The instant petition has been filed, under Section 227 of Constitution of India read with Section 115 of the Code of Civil Procedure, 1908, for setting aside and quashing of order dated 09.10.2025, passed in I.A. No. 167/2024 in Title Appeal No. 07/2024 (Shri Gollo Paso & Others Vs. Shri Taba Tallo & Others), by the Civil Judge, Senior Division, Yupia, whereby, the learned Court has rejected the petitioners' application for condonation of delay of 677 days despite sufficient cause demonstrated by the petitioners.

3. The petitioners and the respondents are involved in some land dispute in Langik village. Due to such dispute, a Nyel was held from 21.11.2022 to 25.11.2022 before the Gaon Bura Welfare Association of Mengio Circle. However, it is contended by the petitioners that no effective order or decision was taken as far as the right, title and liabilities of the land in dispute was concerned. Subsequently, the petitioners found that the respondents have, in fact, trespassed on their land and started doing certain earth cuttings in their land and in view of the aforesaid, the petitioners had lodged a complaint

before the ADC Sagalee, on 12.06.2024.

4. On receipt of the complaint, the concerned ADC summoned notice to the petitioners as well as to the respondents to appear in his Chamber and during the course of the hearing, the petitioners had come to know that there is a Land Settlement Order, allegedly, passed by the Gaon Bura Welfare Association on 25.11.2022. In fact, the petitioners contended that they were taken by surprise by the aforesaid Land Settlement Deed, as they never put their signatures on such Land Settlement Deed alleged to have been executed before the aforementioned Nyel held at Langik village from 21.11.2022 to 25.11.2022.

5. The petitioners contended that since they have not received any original copy or certified copy of the Land Settlement Deed, which was alleged to have been procured behind their back, they have requested for a certified copy of the same from the aforesaid members/Judges present in the Nyel by writing letters and representations. It is the further contention of the petitioners that in spite of writing to the members/Judges, they neither got any proper response nor received any certified copy of the aforesaid Land Settlement Deed. Facing with the situation, the petitioners have written a letter to the EAC, Mengio, complaining that in spite of writing to the Judges of the aforesaid Nyel, they have not got any such certified copy. On receipt of such complaint, the aforesaid EAC procured a copy of the Land Settlement Deed and delivered the same to the petitioners on 15.10.2024. After receipt of the copy, the petitioners have filed a Title Suit along with a petition for condonation of delay of 677 days in filing the connected Title Suit.

6. The learned counsel for the petitioners submits that the delay has been properly and adequately explained in the petition for condonation of delay which was apparent from the body of the petition. He submits that they were not aware of any such Land Settlement Deed, which was alleged to be made between the petitioners and the respondents, and that such existence of Land Settlement Deed was only known to them

on 28.06.2024. Thereafter, they wrote several letters/representations to the members/Judges of the aforesaid Nyel vide letters dated 10.07.2024, 13.07.2024, 10.09.2024, 16.07.2024, 18.07.2024 etc. However, on being not getting any proper response from the aforesaid members/Judges, the petitioners had approached the EAC, Mengio on 11.09.2024 and thereafter, on 15.10.2024, a copy of the same has been received from the EAC Mengio. Thereafter, within a period of 15 days, the Title Suit was prepared and accordingly, was filed on 01.11.2024 before the learned Civil Judge, Senior Division, Yupia. Therefore, he submits that there is no intentional delay and whatever delay that has occurred is due to their absence of knowledge about the existence of the alleged Land Settlement Deed and non-receipt of the certified copy of the aforesaid Land Settlement Deed from the members/Judges of the aforesaid Nyel. Therefore, he submits that there is no intentional delay and the delay that has occurred has been properly explained but the learned Civil Judge, Senior Division, Yupia, without proper application of mind, has rejected the application for condonation of delay, vide the order dated 09.10.2025, which is apparently not correct and liable to be set aside.

7. This Court has gone through the materials brought before this Court as well as the impugned order passed by the Civil Judge, Senior Division, Yupia, dated 09.10.2025.

8. Having heard the submissions made by the learned counsel for the petitioners and having found, prima facie, merit in his submission about the explanation of delay in his condonation of delay petition, vide I.A. No. 167/2024 at paragraphs 8 to 22, this Court is of the opinion that the instant case will require further consideration.

9. Accordingly, let notice be issued to the respondents by way of speed-post returnable in 4(four) weeks.

10. Steps for service of notice upon the respondents be taken within 3(three) days from passing of this order.

11. In the meantime, till the disposal of the instant petition, the order dated 09.10.2025

shall remain stayed.

12. List this matter again after 4(four) weeks.

JUDGE

Comparing Assistant