

IN THE COURT OF ADDL. DISTRICT & SESSION JUDGE, AIZAWL

Civil Misc. Application No. 48/2015

Arising out of LA No. 13/2012

Zonunheri & Ors. : Plaintiff

Versus

District Collector, Aizawl & Ors. : Respondents

Date of Order : 28.4.2015

BEFORE

Sh. Vanlalenmawia, AD& SJ

ORDER

This is an application filed for amendment of plaint under Order VII Rule 17 of C.P.C.

I have heard the Id. Counsel Shri Lalramhluna appearing for the petitioner as well as the Id. Counsel Shri R. Lalremruata for the respondent 1/District Collector, Aizawl and Shri Joseph Lalfakawma assisted by Smt. Lalremthangi appearing for the respondents 2-3.

The Id. Counsel Shri Lalramhluna has prayed to allow amendment of the plaint for including the name of Shri Laljohana and Shri P.C. Ramdinsanga as parties in the case of Zonunheri Vs. District Collector, Aizawl & Ors. in LA Case No. 31/2014.

On the other hand, the Id. Counsel Shri R. Lalremruata appearing for the District Collector and Shri Joseph Lalfakawma for the respondents no. 2-3 strongly object. Their ground of objection is that this Court has no jurisdiction to try the case of Laljohana and P.C. Ramdinsanga without reference petition from the District Collector. Another ground of objection made by the Id. Counsels are that the limitation period specifically mentioned under Section 18 of the LA Act provides that an application for reference shall be made to the District Collector within a period of 6 weeks from the date of the Collector's Award if the petitioner was present at the time of making Award and it shall be made to the District Collector within a period of 6 months from the date of the Collector's Award if the petitioner was not present at the time of making Award. The case being so, the petitioners have no

right to pray for their inclusion in the case of Zonunheri & Ors. Vs. District Collector, Aizawl & Ors. in LA Case No. 31/2014.

I have perused the records carefully. In LA Case No. 31/2014, it is found that an application u/s 18 of LA Act for reference to Court was moved to the District Collector, Aizawl District. Accordingly, the application was forwarded to the District & Sessions Judge for proper adjudication of the case. In the application there is no name of Laljohana and P.C. Ramdinsanga listed as plaintiffs/petitioners. I am convinced by the submission of the Id. Counsels for the respondents that limitation period is there for submission of reference petition to the District Collector.

Hence, the application for amendment of plaint under Order VII Rule 17 of C.P.C. is dismissed.

The petition is disposed off.

Sd/- VANLALENMAWIA

Addl. Dist & Sessions Judge,
Aizawl Judicial District: Aizawl.

Memo No. /AD & SJ/2015 : Dated Aizawl, the 28th April, 2015

Copy to: -

1. Zonunheri & Ors. through Counsel Mr. Lalramhluna, Advocate.
 2. District Judge, Aizawl Judicial District.
 3. District Collector, Aizawl District through Mr. R. Lalremruata, Addl. GA.
 4. The Secretary to the Govt. of Mizoram,
Public Works Department
 5. Engineer-in-Chief, Public Works Department
 6. The Secretary to the Govt. of Mizoram
Land Revenue & Settlement Department
 7. Registration Section.
 8. Guard File.
 9. Case Record.
 10. Calendar Judgment.
- through Counsel
Mr. Joseph Lalfakawma,
Addl. GA

P E S H K A R