

IN THE COURT OF ADDITIONAL DISTRICT JUDGE,  
AIZAWL JUDICIAL DISTRICT, AIZAWL, MIZORAM.

Present : Shri Vanlalenmawia, MJS  
Additional District Judge,  
Aizawl Judicial District, Aizawl.

C.M. Application No. 99 of 2015  
Review Petition No. 2 of 2015

1. Ellen Diki D/o Lalkhawliana  
R/o Zonuam, Aizawl
2. Ellen Diki D/o Lalkhawliana  
R/o Zonuam, Aizawl
3. Biakthangi D/o S. Hleia  
R/o Kolasib
4. Zonunsanga S/o Paa  
R/o Hortoki
5. V. Lalsiama S/o Laithuama  
R/o Hortoki
6. Lalchungnunga S/o Thatluia  
R/o Kolasib
7. Saihlira s/O Laikhuma  
R/o Hortoki
8. Rosangzuala S/o Zahunga (L)  
R/o Hortoki
9. Zachhungi D/o Chuaia (L)  
R/o Hortoki
10. Jobinti C/o Biakhluni  
R/o Kolasib
11. M. Darthangpuii D/o H. Lalnghakliana  
R/o Kolasib
12. H.T. Rila S/o Chawngkunga

R/o Kolasib

13. R. Sangkhuma S/o Thangzova (L)  
R/o Kolasib
14. R. Sangkhuma S/o Thangzova (L)  
R/o Kolasib
15. Michael Vanlalrema S/o Muankimi  
R/o Kolasib
16. Zoramchhana S/o Laldinglana  
R/o Kolasib
17. Zodini D/o Lalhmachhuana  
R/o Kolasib
18. Thangpara S/o H.T. Rila  
R/o Kolasib
19. Thangpara S/o H.T. Rila  
R/o Kolasib
20. Zohmingthangi D/o Thangpara  
R/o Kolasib
21. Rochunga S/o Hrangkhuma  
R/o Kolasib
22. Vanlalchhuanga S/o Thangluaii  
R/o Kolasib
23. Lalrinawma S/o Thanthianga  
R/o Aizawl
24. Melkoram S/o Dorchoram  
R/o Rajtali
25. Tlangsana Hmar S/o Zathuama  
R/o Rajtali
26. Tlangsana Hmar C/o Lalruata  
R/o Rajtali
27. Vanlalchhuanga S/o Thangluaii  
R/o Kolasib

28. Vanlalchhuanga S/o Thangluaii  
R/o Kolasib
29. P.C. Thanliana S/o Mankima  
R/o Aizawl
30. P.C. Thanliana S/o Mankima  
R/o Aizawl
31. Vanlaldiki D/o Vanlalchhuanga  
R/o Kolasib
32. Vanlaldiki D/o Vanlalchhuanga  
R/o Hortoki
33. Zothanpari D/o Thanhrranga (L)  
R/o Aizawl
34. Zothanpari D/o Thanhrranga (L)  
R/o Aizawl
35. Zothanpari S/o Thanhrranga (L)  
R/o Aizawl.
36. Lalramchhuani D/o P.C. Thanliana  
R/o Kolasib
37. Vanlalhriata S/o P.C. Thanliana  
R/o Aizawl
38. Vanlalhriata S/o P.C. Thanliana  
R/o Aizawl
39. Vanlalhriata S/o P.C. Thanliana  
R/o Aizawl
40. Laldinpuii D/o Vanlalchhunga  
R/o Kolasib
41. Vanlaldika S/o Thangluaii  
R/o Aizawl
42. Vanlaldika S/o Thangluaii  
R/o Aizawl

43. H. Lalremruata S/o Khuangsanga  
R/o Aizawl
44. Lalchawimawia S/o Tlangsana Hmar  
R/o Rajdali
45. Manjarung S/o Monchoring  
R/o Rajdali
46. Chandiram S/o Dohoram  
R/o Rajdali
47. Linjorai S/o Kesoh  
R/o Rajdali
48. Hriatkima S/o Aspro  
R/o Rajdali
49. Mahindro S/o Sobiram  
R/o Rajdali
50. Lalsangliana S/o Thankhuma  
R/o Jortoki
51. Lalnunpuii D/o Lalhmachuanna  
R/o Kulikawn
52. Biakfeli D/o Sangliana  
R/o Hortoki
53. Malsawmtluanga S/o Lalfakawma  
R/o Aizawl
54. Vanawmawia S/o Lalfakawma  
R/o Kulikawn
55. Laltani W/o Lalchhuanga  
R/o Hortoki
56. Lalmawii W/o Sangliana  
R/o Hortoki
57. Pachila D/o Lalfakawma  
R/o Rajdali
58. Lalfakawma S/o Sangliana  
R/o Kulikawn, Aizawl

59. Thanliana S/o Zathanga  
R/o Hortoki
60. Lalfakawma S/o Sangliana  
R/o Kulikawn
61. Vanlalliana D/o Laluma  
R/o Hortoki
62. Lalchhuanga S/o Thangkhuma  
R/o Hortoki
63. Lalsailovi D/o Lalrinnunga  
R/o Hortoki
64. C.Lalchungnungi D/o Saikapkima  
R/o Aizawl
65. Lalhriatpuii D/o Lalchhunga  
R/o Hortoki
66. Lalhlimpuii W/o Kornilia  
R/o Hortoki
67. Lalthlamuani W/o Lalkhawthanga  
R/o Kulikawn
68. Lalfakawma S/o Sangliana  
R/o Hortoki
69. Lalrinmawii D/o Francis Laltanpuia  
R/o Tlangnuam
70. Vanawmawia S/o Lalfakawma  
R/o Kulikawn
71. Lalrohlui D/o Lalhmachhuana  
R/o Aizawl
72. Sasnari D/o  
R/o Rajdali
73. Vanlalsiama S/o Vanlalchhuanga  
R/o Hortoki

74. Vanlalruati W/o Vanlalsiama
75. Lalrinnunga D/o Sangliana  
R/o Hortoki
76. Lalrinnunga D/o Sangliana  
R/o Hortoki
77. Lalrinnunga D/o Sangliana  
R/o Hortoki
78. Lalthazuala S/o Lalrinnunga  
R/o Hortoki
79. C.Lalrintluanga S/o C.Lalrinpuia  
R/o Aizawl
80. C.Lalrinpuia S/o Chuhvelthanga  
R/o Aizawl
81. C.Lalrinpuia S/o chuhvelthanga  
R/o Aizawl
82. Bhudhiram S/o Norendo  
R/o Rajdali
83. Lawmkima S/o Horendro  
R/o Rajdali
84. Boykhanto S/o Monba  
R/o Rajdali
85. Nokurai D/o Khetrojoi  
R/o Rajdali
86. T.H Thanga S/o Mitrogoy  
R/o Rajdali
87. Sotiray D/o Bejoy  
R/o Rajdali
88. Subhidra S/o Horindro  
R/o Rajdali
89. Raymona S/o Aspro  
R/o Rajdali

90. Daurchoram S/o  
R/o Rajdali
91. Khitrojoy S/o Kiradon  
R/o Rajdali
92. Lawmkima S/o Horeng  
R/o Rajtali
93. Mungoti S/o Jujendro  
R/o Rajtali
94. Raimona S/o Aspro  
R/o Rajtali
95. Rammawia S/o Pianmawia  
R/o Hortoki
96. Lalthlamuana S/o Lallianmawia  
R/o Hortoki
97. V.L. Peki D/o Liankhuma  
R/o Hortoki
98. Biaksiami D/o K. Tluanga  
R/o Hortoki
99. Lalrinmawia S/o Neihtluanga (L)  
R/o Hortoki
100. Lalhmingliana S/o Lalrinawma  
R/o Hortoki
101. Vanrammawii D/o Sapzuithanga (L)  
R/o Hortoki
102. Vanrammawii D/o Sapzuithanga (L)  
R/o Hortoki
103. Vanrammawii D/o Sapzuithanga (L)  
R/o Hortoki
104. Zathuamluaii W/o Sapzuithanga (L)  
R/o Hortoki

105. Vanrammawii D/o Sapzuithanga (L)  
R/o Hortoki
  106. Vanlalhriata S/o Sapzuithanga (L)  
R/o Hortoki
  107. R. Hriata H/o Zothanzami  
R/o Hortoki
  108. Vanlalhriata S/o Sapzuithanga (L)  
R/o Hortoki
  109. Zothanzami W/o Vanlalhriata  
R/o Hortoki
  110. Laldingpuii W/o Lalhmingliana  
R/o Hortoki
  111. Lallawmkimi D/o K. Mangthanga  
R/o Hortoki
  112. Zoliansangi D/o Lalsangliana (L)  
R/o Hortoki
- .....Applicants.

-Versus-

1. The District Collector, Kolasib, Mizoram.
2. The Secretary, Land Revenue & Settlement Department,  
Government of Mizoram, Aizawl.
3. The Deputy Chief Engineer, CON/II/SCL, Assam, N.F.Railway.  
.....Opposite Parties.

#### APPEARANCE

- |                               |   |   |
|-------------------------------|---|---|
| For the Applicants            | : | Ms. Cicily Zonunfeli, Advocate.<br>Ms. Lianmawii Hauhnar, Advocate. |
| For the respondents No. 1 & 2 | : | .None appears.  |
| For the respondent No.3       | : | Shri Ali Hussain, Advocate.   |



Hearing : 2.7.2015

Order delivered on : 13.7.2015

### **ORDER**

1. The application has been filed under Section 5 of the Limitation Act for condoning delay of 545 days in filing connected Review Petition No. 2 of 2015 against the Judgment & Award dated 30.9.2013 passed by Smt. Helen Dawngliani, learned Addl. District Judge, Aizawl in L.A. Case No. 9 of 2013.

2. I heard the learned Counsels Ms. Cicily Lanunfeli and Ms. Lianmawii Hauhnar appearing for the applicants. I also heard the learned Counsel Shri Ali Hussain for the N.F. Railway Opposite Parties.

3. No written objection was submitted on behalf of the O.P. Nos. 1 & 2 and none appeared on their behalf at the time of hearing the application.

4. The case of the applicants is that the copy of Judgment & Award dated 30.9.2013 was received from their earlier counsels very late. Apart from that they were not informed by their earlier counsels that the Judgment & Award did not include land value. According to the learned Counsels appearing for the applicants, the delay of filing the connected review was caused due to the negligence of their earlier Counsels since their records file was misplaced by their earlier counsels for about a year and thereafter, the applicants approached another advocate who kept their record file for about five months without pursuing the matter. The learned Counsels submitted that the delay was caused due to the unavoidable circumstances which were beyond the control of the applicants. The learned Counsels also submitted that they took time in collecting the necessary files and documents and also took time for preparation of connected review petition. According to the learned Counsels Ms. Cicily Lalnunfeli and Ms. Lianmawii Hauhnar, they will be deprived from claiming entitlement of compensation in respect of their lands valuation if their joint application for condoning delay of 545 days is not allowed.

5. On the other hand, the Railway O.P. made objection to the submission of the applicants that the delay of filing the connected review petition was willfully caused by their counsels. It is the submission of the learned Counsel for the Railway O.P. that their learned counsels failed to claim land value before the Reference Court in L.A. Case No. 9 of 2013. According to the learned Counsel, the applicants were satisfied with the solatium and the interest passed by the Reference Court. Hence, the learned Counsel Shri Ali Hussain pressed to dismiss the application for condoning delay of 545 days in filing the connected the review application.

6. The learned Counsels Ms. Cicily Lalnunfeli and Ms. Lianmawii Hauhnar appearing for the applicants submitted that the applicants' explanation of delay does not smack of mala-fides. They placed the Hon'ble Apex Court's decision in N.Balakrishna v. M.Krishnamurthi AIR 1998 SC 3222 at Paragraph 13 that **'It must be remembered that in every case of delay, there can be some lapse on the part of the litigant concerned. That alone is not enough to turn down his plea and to shut the door against him. If the explanation does not smack of mala-fides or it is not put forth as dilatory strategy, the Court must show utmost consideration to the suitor.....'**

7. Upon hearing the rival parties and perusing their pleadings, I find that there is a sufficient ground for condoning delay of 545 days in preferring application for review of the judgment and award dt. 30.9.2013 in L.A.Case No. 9 of 2013. Accordingly, the instant petition is allowed. However, the Review Petition will be decided on merit.

8. The misc. application is disposed off.

Sd/- VANLALENMAWIA  
Addl. District Judge,  
Aizawl Judicial District,  
Aizawl, Mizoram.

**Memo No.\_\_\_\_\_/AD&SJ(A)/2015 : Dated Aizawl, the 13<sup>th</sup> July, 2015**

**Copy to: -**

1. Ellen Diki & Ors. through Counsel Ms. Cicily Zonunfeli, Advocate.
2. District Collector, Kolasib District, Kolasib through Smt. Rose Mary, Addl. GA.
3. Secretary, Land Revenue & Settlement Department, Govt. of Mizoram, Aizawl through Sh. Joseph Lalfakawma, Addl. GA.
4. Deputy Chief Engineer, CON/II/SCL, Assam, N.F. Railway through Shri Ali Hussain, Advocate.
5. District Judge, Aizawl Judicial District, Aizawl.
6. Registration Section, District Court, Aizawl.
7. Guard File.
8. Case Record.
9. Calendar Judgment.

P E S H K A R