

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

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

Civil Misc. Application No. 290 of 2014  
in Civil Review Petition No. 24 of 2014

D. Thangliana .....Petitioner

-versus-

1. District Collector, Aizawl District.
2. Secretary to the Govt. of Mizoram,  
Land Revenue & Settlement Department,  
Mizoram, Aizawl.
3. Deputy Chief Engineer,  
N.F.Railway CON/II/SCL, Silchar,  
Cahar District : Assam. . .... Opposite Parties

APPEARANCE

For the petitioner	:	Shri C. Lalramzauva, Sr. Advocate.
For the OP No. 1	:	Shri R. Lalremruata, Addl. GA
For the OP No.2	:	None appears
For the OP No.3	:	Shri Ali Hussain, Advocate
Hearing	:	12.5.2015
Order delivered on	:	13.5.2015

**ORDER**

1. The application has been filed under Section 5 of the Limitation Act for condoning delay of 304 days in preferring application for review the judgment and award dated 11.10.2013 passed in L.A. Case No. 35 of 2013 passed by Shri K.L. Liana, learned District Judge, Aizawl.

2. OP No. 1 and 3 filed written objection. OP No. 2 did not file written objection.

3. I heard the learned Counsel appearing for the petitioner. I also heard the learned Counsels appearing for the OP No.1 and OP No.3.

4. It is the case of the petitioner that he files the connected Review Petition for review of the Order dated 11.10.2013 by which the case was disposed off without adjudicating upon his claim except to the extent of making a direction for payment of solatium and interest as per law. The ground shown by the petitioner in this application is that the petitioner approached his Counsel on 28.8.2014 since he had waited for finalization of his claim in respect of land value. Thereafter, the case was studied by his Counsel and a certified copy order dated 11.10.2013 was applied and obtained. Thereafter, the Review Petition was filed before the Court. According to the petitioner, the delay was not due to the negligence of the petitioner and the same have been caused by reason beyond his control.

5. On the other hand, both the OPs No.1 & 2 state that the petitioner failed to explain the delay of 304 days in filing Review Petition and they pray to dismiss the present application for condoning delay.

6. In the Hon'ble Apex Court's decision in N.Balakrishna v. M.Krishnamurthi AIR 1998 SC 3222 at Paragraph 13 it is stated 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 the documents by them, I find that there is a sufficient ground for condoning delay of 304 days in preferring application for review of the judgment and award dt. 11.10.2013 in L.A. Case No. 35 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. \_\_\_\_\_/ADJ(A)/2015 : Dated Aizawl, the 13<sup>th</sup> May, 2015**

**Copy to: -**

1. D. Thangliana through Counsel Shri C. Lalramzauva, Sr. Advocate.
2. District Collector, Aizawl through Shri R. Lalremruata, Addl. GA.
3. Secretary to the Govt. of Mizoram, Land Revenue & Settlement Department, Mizoram, Aizawl.
4. Deputy Chief Engineer, N.F.Railway CON/II/SCL, Silchar, Cahar District : Assam through Shri Ali Hussain, Advocate.
5. District Judge, Aizawl Judicial District, Aizawl.
6. Registration Section.
7. Guard File.
8. Case Record.
9. Calendar Judgment.

**P E S H K A R**