

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

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

Interlocutory Application No.77 of 2016
in Regular First Appeal No. 3 of 2016

1. Shri C.Lalhmachhuana
S/o C. Kapthanga (L),
R/o Luangmual, Aizawl.
2. Smt Lalduhawmi Chawngthu
D/o C. Kapthanga (L),
R/o Tuikual North, Aizawl.
3. Shri C. Laltanpuia
S/o C. Kapthanga (L),
R/o Tuikual North, Aizawl.
4. Smt. C.Lalhmingmawii
D/o C.Kapthanga (L)
R/o Mission Vengthlang, Aizawl.Petitioners

-versus-

1. Smt Lalhlimpuii
W/o Zoramliana,
R/o Tuikual North, Aizawl. Respondent

APPEARANCE

For the petitioners : Shri Joseph L. Renthlei, Advocate.

For the respondent : Shri W. Sam Joseph, Advocate.

Hearing : 4.4.2016

Order delivered on : 6.4.2016

ORDER

1. The application has been filed under Section 5 of the Limitation Act to condone delay of 4 days in filing Regular First Appeal against the Order dated 3.2.2016 passed in Heirship Certificate Case No. 467 of 2010 passed by Shri Thomas Lalrammawia, learned Civil Judge, Aizawl.

2. I heard the learned Counsel Shri Joseph L. Renthlei appearing for the petitioners. Also heard the learned Counsel Shri W. Sam Joseph for the respondent.

3. According to the learned Counsel Shri Joseph L. Renthlei, the application for issuing the certified copy of the Judgment & Order dated 3.2.2016 was filed to the authority on 3.3.2016 but the certified copy of the Judgment and Order was issued to the petitioners on 7.3.2016. Hence, the petitioners could not file the appeal in time as there was a delay of 4 days to obtain the certified copy of the Judgment and Order.

4. On the other hand, the respondent fairly submitted that filing application for delay in filing the appeal is not required.

5. Upon hearing the parties and perusing the records before me, I agree with the submission of the learned Counsel appearing for the respondent. Hence, I find that there is no delay of filing Regular First Appeal No. 3 of 2016 by the respondent.

6. The application stands disposed off.

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

Memo No. _____/ADJ(A)/2016 : Dated Aizawl, the 6th April, 2016

Copy to: -

1. Shri C. Lalhmachhuana & Ors. through Counsel Shri Joseph L. Renthlei, Advocate.
2. Smt. Lalhlimpuii through Counsel Shri W. Sam Joseph, Advocate.
3. District Judge, Aizawl Judicial District, Aizawl.
4. Registration Section.
5. Guard File.
6. Case Record.
7. Calendar Judgment.

P E S H K A R