

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

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

IA No. 106/2016
A/o RFA No. 4/2016
In HC No. 150/2006

Shri Lalbiakthanga S/o Rangkhuma (L)
R/o Saikhamakawn, Aizawl, Mizoram. : Petitioner

Versus

Shri Zonunsanga S/o Rangkhuma (L)
R/o Saikhamakawn, Aizawl, Mizoram. : Respondent

PRESENT

For the petitioner : Shri K. Kawlkhuma, Advocate
For respondent : Ms. Lalzammawii, Advocate
Ms. Lalrinnungi Sailo, Advocate

Date of Order : 30.5.2016

ORDER

The application has been filed u/s 5 of the Limitation Act to condone delay of 3649 days in filing Regular First Appeal against the issuance of Heirship Certificate No. 150 of 2006 dated 24.3.2006 passed by the Id. Magistrate First Class, Subordinate District Council Court, Aizawl.

I heard the Id. Counsel Shri K. Kawlkhuma appearing for the petitioner as well as the Id. Counsel Ms. Lalzammawii assisted by Ms. Lalrinnungi Sailo for the respondent.

According to the Id. Counsel Shri K. Kawlkhuma, the Heirship Certificate No. 150 of 2006 was obtained without the knowledge and consent of the petitioner. The Id. Counsel submitted that the petitioner's father expired on 10.3.2006 and thereafter, the Land Settlement Certificate (hereinafter stated as the

LSC) No. AZL-554 of 1997 was kept by the respondent. The Id. Counsel further submitted that the petitioner came to know on 14.3.2015 that the respondent had mutated the LSC in his name. The Id. Counsel also stated that the petitioner had filed an application for issuance of Heirship Certificate in respect of LSC No. AZL-554 of 1997 and the same was registered as Heirship Certificate Case No. 139 of 2016, and in response to the notice, the respondent had stated that the trial Court had already issued Heirship Certificate in his favor.

On the other hand, the Id. Counsel Ms. Lalzammawii assisted by Ms. Lalrinnungi Sailo submitted that there was no illegality in obtaining Heirship Certificate No. 150 of 2006 passed by the Id. Magistrate First Class, Subordinate District Council Court, Aizawl.

Case is disposed off.

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

Memo No. _____/ADJ(A)/2016 : Dated Aizawl, the 9th May, 2016

Copy to: -

1. Shri Lalkulhmawia & Anr. through Counsel Shri Lalhriatpuia, Advocate.
2. Shri James Zosiamliana through Counsel Shri C. Lalramzauva, Sr. 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