GAHC040013132024

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : CRP/44/2024

Otem Jamoh @ Tatem Jamoh
Son of Late Taran Jamoh, resident of Rani village, PO Rani, PS Pasighat, East Siang District, Arunachal Pradesh.

VERSUS

Nanjing Jamoh @ Tajing Jamoh
Son of Late Taran Jamoh, resident of Rani village, PO Rani, PS Pasighat, East Siang District, Arunachal Pradesh.

Advocate for the Petitioner : Dicky Panging, Sr. Adv, Tokge Darin,Rosy c Lowangcha,Doge Lona,Kirmar Ado,Marge D,J Kamsi,Daina Tamuk

Advocate for the Respondent : Gallen Taloh, Eddie Payeng

BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 30.09.2026

Heard Ms. D. Tamuk, learned Counsel for the appellant. Also heard Mr. G. Taloh, learned Counsel on behalf of sole respondent.

2. By filing the present Civil Revision Petition under Section 115 of the Code of Civil Procedure, 1908, the petitioner has assailed the order dated

07.08.2024 passed by the learned Civil Judge (Sr. Div.), Pasighat in Civil Appeal (Kebang) No. 154/23 whereby the decision dated 09.08.2023 passed by the Bogum Bokang Kebang has been set aside on the ground that the appeal had not been preferred with the consent of the appellant and consequently, the decision of the Rani Village Authority dated 29.04.2024 has been upheld.

3. Learned counsel for the petitioner submits that Section 15(4) of the Arunachal Pradesh Civil Court Amendment Act, 2022, provides as follows:

> *"An appeal from the Village Authority, if agreed to by the parties, shall lie before the Inter-Village Territorial Customary Court or Apex Customary Court, by whatever name called, which shall settle the case as per the local traditional customary laws under the provisions of Section 40 of the Assam Frontier (Administration of Justice Regulation), 1945."*

4. Learned counsel for the petitioner further submits that the aforesaid provision was subsequently amended by the Assam Frontier (Administration of Justice) Regulation (Amendment) Act, 2023. By the said amendment in Section 15(4) of the Arunachal Pradesh Civil Courts Act, for the words *"if agreed to by the parties", the word "if agreed to by the parties or if the aggrieved party desires to appeal, as the case may be" shall be substituted".* It is therefore submitted that an aggrieved parties can prefer an appeal under Section 15(4) against the decision of the village authority before the Inter-village Territorial Customary Court or Apex Customary Court and consent of both parties are not necessary.

5. Learned counsel for the petitioner submits that, in passing the

impugned order, the learned Civil Judge (Sr. Div.), Pasighat, has committed an error of law in holding that the consent of both parties was necessary for preferring an appeal against the decision of the Village Authority.

6. Mr. Talo, learned counsel appearing on behalf of the respondent, fairly submits that, in view of the amended provision of the Arunachal Pradesh Civil Court Act, 2022, the consent of both parties is not necessary for preferring an appeal. He submits that the expression "if agreed to by the parties" has subsequently amended by incorporating the word or if the aggrieved party desires to appeal, as the case may be." Thus, he has conceded the submission of the learned counsel for the petitioner.

7. It appears that, the learned Civil Judge (Sr. Div.), Pasighat, while passing the impugned order, has relied upon the provision of Section 15(4) of the Arunachal Pradesh Civil Court (Amendment) Act, 2022, and came to the conclusion that the parties had not consented to the filing of the appeal. The learned Civil Judge further observed that the decision of the Bogum Bokang Kebang, was an ex parte decision. Accordingly, the appeal was allowed, and the decision of the Bogum Bokang Kebang was set aside, and the decision of the Village Authority of Rani Village was upheld.

8. However, the provision contained in Section 15(4), of the Arunachal Pradesh Civil Court Act, 2021 was subsequently amended vide notification dated 12.04.2023, whereby the words "if agreed to by the parties" were substituted by the word "if agreed to by the parties or if the aggrieved party desires to appeal, as the case may be." Thus, the requirement consent of both parties for preferring an appeal against the decision of the village authority no longer remains.

9. In view of the above submissions made by learned counsel for the parties, and having regard to the fact that the impugned order was passed without taking into consideration the aforesaid amendment to Section 15(4) of the Arunachal Pradesh Civil Court Act, 2021, the impugned order dated 07.08.2024, as well as the subsequent decree dated 07.08.2024, is hereby set aside.

10. The matter is remanded to the learned Civil Judge (Sr. Div.), Pasighat, for fresh adjudication in accordance with law after affording adequate opportunities to both parties to adduce evidence, if so required, and to cross-examine the witnesses in accordance with law.

11. The Civil Revision Petition stands disposed of accordingly.

JUDGE

Comparing Assistant