GAHC040013372026

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

Case No. : IA(C)/186/2026

Lenzing Pertin
Son of Late Bakin Pertin, resident of Pertins Home, Romdum, Mebo, PO and PS Mebo, East Siang District, Arunachal Pradesh 791104

VERSUS

Babang Ratan
Son of Late Amin Ratan, Motum Village, PO and PS Mebo, East Siang District, Arunachal Pradesh.

Advocate for the Petitioner : Petitioner in Person,

Advocate for the Respondent : Dicky Panging, Sr. Adv, Jumge Karbak,KeekeLoya

BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO

ORDER

Date : 12.10.2026

Heard Mr. Lenzing Pertin, petitioner-in-person and Mr. D. Panging, learned Senior Counsel assisted by Mr. D. Lona, learned counsel for the opposite party.

2. By filing this application, the applicant seeks condonation of 24 days in filing the connected Civil Revision Petition filed by him under Article 227

of the Constitution of India. The petitioner-in-person submits that he is aggrieved with the order dated 19.02.2026 passed by the court of District & Sessions Judge, Pasighat in Misc. Appeal No.06/2025 in connection with Title Suit No.16/2022. He submits that although he had applied for a certified copy of the order dated 19.02.2026 but the same was furnished to him only on 20.07.2026. Upon receipt of the certified copy, he could file the Civil Revision Petition only on 14.08.2026. Hence, the delay of 24 days in filing the Civil Revision Petition.

3. Mr. D. Panging, learned Senior Counsel submits that although a period of limitation is prescribed in filing a Civil Revision Petition under Section 115 of the Civil Procedure Code, 1908 but the instant application having been filed under Article 227 of the Constitution of India, there is no period of limitation prescribed but nevertheless the petitioner is required to give the reasons for belated filing of the revision petition. The learned Senior Counsel submits that considering the facts and circumstances, the Court may consider and pass an appropriate order as it deems fit and proper.

4. As already pointed out, the Civil Revision Petition said to have been filed by the petitioner is under the provision of Article 227 of Constitution of India. There is no dispute at the Bar that there is no period of limitation prescribed for filing a revision petition under Article 227 of the Constitution of India, which is similar to that of an application under 226 of the Constitution.

5. The Gauhati High Court Rules in Appendix- 32 provides for a common nomenclature "Civil Revision" for a petition filed either under Section 115

of the CPC or under Article 227 of the Constitution of India. It may however, be seen that the category codes are different for filing a revision petition under Section 115 of CPC and that of Article 227 of the Constitution. Merely because the nomenclatures are same, the same in my considered view cannot change the nature and character of the civil revision petition and jurisdiction conferred under Article 227 of the Constitution of India.

6. Reference may be made to the decision of the Apex Court in ***Bithika Mazumdar and Another Vs. Sagar Pal and Others***, reported in ***(2017) 2 SCC 748*** wherein, the Apex Court in the given facts of that case clearly observed that it is an admitted position in law no limitation is prescribed for filing application under Article 227 of the Constitution. However, the person who files a petition under the said provision in case does approach the court within a reasonable period of time, a proper explanation has to be made for not approaching the court within a reasonable time. In the present case as well, the petitioner has taken the stand that although he had applied for a certified copy of the order sought to be challenged, but the same was given to him after certain period of time which in the considered view of this Court would be sufficient reason to accept the Civil Revision petition.

7. In the result, filing of condonation application in an application under Article 227 of the Constitution of India will not be required but however, a person approaching the Court through the said provision should provide an explanation if there is an inordinate delay on his part in approaching the Court.

8. With the above observations, the interlocutory application stands disposed of.

JUDGE

Comparing Assistant

CHECKED & VERIFIED

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