GAHC010078082026

2026:GAU-AS:14780

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

Case No. : I.A.(Civil)/1320/2026

NAMAN BHATTACHARYA AND ANR.
ADOPTED S/O. ARATI BHATTACHARYA,

2: SRI DILIP KUMAR BHATTACHARYA
S/O. LT. GOBINDA CHANDRA BHATTACHARYA
BOTH ARE R/O. BASISTHA-PATARKUCHI MAIN ROAD
OPPOSITE BATTALION CAMP
HOUSE NO. 1
P/O. AND P/S. BASISTHA
GUWAHATI-781029
DIST. KAMRUP (M)
ASSAM

VERSUS

SANTOSH NEWAR
S/O. LT. SABILAL NEWAR, R/O. CHANDRAPUR, P/O. AND P/S. PRAGJYOTISHPUR, GUWAHATI-781150, DIST. KAMRUP (M), ASSAM

Advocate for the Petitioner : MS D DEVI, MR. U BHATTACHARYA,MR. D C C PHUKAN

Advocate for the Respondent : FOR CAVEATOR, MR. R SARMA

Linked Case : MC(WA)/0/0

NAMAN BHATTACHARYA AND ANR
ASSAM

VERSUS

SRI SANTOSH NEWAR
ASSAM

Advocate for : DHIREN CHANDRA CHETIA PHUKON
Advocate for : appearing for SRI SANTOSH NEWAR

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

05.10.2026

1. Heard learned counsel Mr. D. C. Chetia for the applicants namely, (i) Naman Bhattacharya, and (ii) Dilip Kumar Bhattacharya, who have filed this application under Section 14 of the Limitation Act with prayer for condoning the delay of 280 days in filing the related F.A.O.

2. Heard learned counsel Mr. R. Sarma for the Caveator who has raised serious objection stating that there is no sufficient ground in allowing this petition.

3. It is submitted on behalf of the applicants that on earlier occasion, the applicants inadvertently filed a Misc. Appeal 11/2025 under Order XLIII Rule 1(r) of the CPC against the order dated 13.06.2025, passed by the learned Civil Judge (Sr. Div.) No. 2, Kamrup (M) at Guwahati in Misc. (J) Case No. 946/2023. This appeal was filed in the Court of the District Judge of Kamrup (M) at Guwahati. The same was disposed of by the learned Additional District Judge No. 2 with a direction to file the appeal before this Court within 15 days from

the date of return of the papers.

4. Learned counsel for the respondent has raised serious objection stating that today the learned counsel for the applicant has verbally submitted by drawing the attention of this Court to paragraph-15 of the Annexure-1 of the application that the papers are to be returned to the appellants and thereafter, the appellants may file an appeal before the High court on receipt of the papers.

5. This explanation has not been incorporated in the application. Now, the oral submission will not suffice.

6. However, I have considered the submission that while disposing of the Misc. Appeal No. 11/2025, inadvertently filed before the District Judge, it was observed by the District Judge that the appellants may prefer an appeal before the High Court within 15 days after receipt of the papers. The order has been marked as Annexure-1 of this application.

7. It appears that the application was filed within 15 days as the order in which Misc. Appeal No. 11/2025, was passed on 17.02.2026, and the appeal was filed on 11.03.2026.

8. Therefore, this application is allowed and the Registry to register the connected appeal, and list this matter for Admission.

JUDGE

Comparing Assistant