GAHC030002502026

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

Case No. : I.A.(Civil)/78/2026

Smt. Lalthlirveli and Anr.
D/o Thanglawta (L), R/o Dawrpui, Aizawl, Mizoram 2: Lalzami (Now Dead)
Substituted by her daughter
Lalthlirvel

VERSUS

Sh. Sher Bahadur (L) Substituted by his son J.B. Chhetri and 10 Ors.
R/o Tanhril, Aizawl, Mizoram 2:Smt. Sangluri alias Luri Devi (L) substituted by her son J.B. Chhetri

3:The State of Mizoram represented by the Secretary to the Govt. of Mizoram

4:The Director

5:The Settlement Officer

6:Sh. Lalnunpuia (L)

7:Sh. Lalnunfela (L)

8:Sh. Lalairila

9:Sh. Lalnunzira (L)

10:Sh. Lalnunfima (L)

11:Smt. Thangriaii (L

Advocate for the Petitioner : Ms. Jacinta Zothanmawii

Advocate for the Respondent : Addl. AG/GA, Mizoram for R3 - R5

BEFORE

HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

15.10.2026

Heard Ms. Jacinta Zothanmawii, learned counsel for the applicant. Also heard Mr. Zoramchhana, learned counsel for the respondent Nos. 1 & 2 and Mrs. Caroline K. Lungawipuii, learned Government Advocate for the respondent Nos. 3 to 5.

2. This is an application for condoning the delay of 11674 days for substituting the late Lalnunpuia, the defendant No. 6 in the disposed of Civil Suit No. 8/2019 by Lalremtluangi Fanai, D/o Lalnunpuia (L), R/o Cee Pee Cottage, Nongrim Hills, Shillong, Meghalaya.

3. The applicant's counsel submits that the late Lalnunpuia (defendant No. 6 in Civil Suit No. 8/2019) expired on 06.02.1994 and as there has been no proper substitution of the deceased defendant No. 6, the application for substitution is necessary. However, there is a delay of 11674 days in filing the application for substitution.

4. The learned counsel for the applicant accordingly prays for condoning the delay of 11674 days in filing the application for substituting the defendant No. 6

in Civil Suit No. 8/2019 and who is now represented by the present appellant in this appeal.

5. Mr. Zoramchhana, learned counsel for the respondent Nos. 1 & 2 submits that the applicant has not come to Court with clean hands. He has also submitted a copy of the Order dated 08.07.2020 issued by the learned Trial Court in CMA No. 33/2020, arising out of Civil Suit No. 8/2019, which shows that the present appellant, who is the defendant No. 5 in Civil Suit No. 8/2019 and the present appellant in this appeal, has substituted the deceased Lalnunpuia. As such, there was no question of further substitution of the present appellant by some other person, especially when there is no challenge to the Order dated 08.07.2020 passed by the Court of the learned Senior Civil Judge, Aizawl District, Aizawl.

6. On hearing the learned counsels for the parties and perusing the appeal petition filed by the present appellant, who is also the applicant, this Court finds that the Court of the Senior Civil Judge, Aizawl District, Aizawl had, vide Order dated 08.07.2020 passed in CMA No. 33/2020, arising out of Civil Suit No. 8/2019, allowed the present appellant to substitute her deceased sibling Lalnunpuia.

7. The Order dated 08.07.2020 passed by the learned Senior Civil Judge, in CMA No. 33/2020 is reproduced herein below as follows:-

> "*Counsels for the parties are present. Counsel for the OP raised no objection in substituting OP/Defendant No. 6, 7, 9, 10, 11 by OP/Defendant No. 5.*
>
> *Hence, OP/Defendant No. 6, 7, 9, 10, 11 is allowed to be substituted by OP No. 5 Lalthlirveli D/o Thawnglawta (L), R/o Dawrpui Aizawl.*
>
> *With this order the instant CMA stands disposed."*

8. The above clearly shows that the appellant, who was the defendant No. 5 in Civil Suit No. 8/2019, had substituted her deceased sibling Lalnunpuia on 08.07.2020.

9. In view of the above reason, there is no justification for filing an application for further substitution of the deceased Lalnunpuia, when the present applicant/appellant had already substituted the deceased Lalnunpuia. The present applicant/appellant appears to be playing hide and seek in this Court and wasting the precious judicial time, especially when Civil Suit No. 8/2019 had been disposed of vide the impugned Judgment & Order dated 25.11.2025 and the present applicant/appellant had substituted the deceased Lalnunpuia on 08.07.2020. Further, this RFA No. 5/2026 has been filed by the applicant, who has substituted defendant Nos. 6, 7, 9, 10 & 11 in Civil Suit No. 8/2017.

10. Accordingly, this application for condonation of 11674 days is dismissed.

JUDGE

Comparing Assistant