
(1950) 05 GAU CK 0007

Gauhati High Court

Case No: Revenue Appeal No. 1 of 1950

Karim Bepari and
Others

APPELLANT

Vs

The State of Assam

RESPONDENT

Date of Decision: May 19, 1950

Acts Referred:

- Assam Land and Revenue Regulation, 1886 - Section 148

Citation: AIR 1951 Guw 91

Hon'ble Judges: T.V. Thadani, C.J

Bench: Single Bench

Advocate: J.C. Medhi, for the Appellant; K.R. Barman, Government Advocate, for the Respondent

Judgement

@JUDGMENTTAG-ORDER

Thadani, C.J.

In this case, Mr. Barman for the State of Assam has taken a preliminary objection namely that the appeal is out of time. The objection must prevail. The order of eviction in this case was passed on 12-10-1949. The appeal should have been filed by 12-12-1949, but it was filed on 19-12-1949. No appln. has been made for condoning the delay u/s 148 of the Regulation. Mr. Medhi has contended that after the order was passed on 12-10-1949, he raised certain objections which were decided after November; that may be so. There is no provision in the Regulation enabling a party to raise objections after an order of eviction has been passed. If the learned Deputy Commissioner entertained any objections after he had passed the order of eviction, they cannot be considered for the purposes of the law of limitation. The result is that the appeal is dismissed with no order as to costs.