

GAHC040017372024



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

**Case No. : CRP/58/2024**

Minjom Bagra  
Son of Late Limin Bagra,  
resident of Upper Colony, Aalo,  
PO and PS Aalo,  
West Siang District,  
Arunachal Pradesh.

VERSUS

The Deputy Commissioner and Anr  
Basar, Leparada District, Arunachal Pradesh.

2:Smti Miba Basar  
Age: 0  
Occupation :  
Daughter of Shri Tomi Basar  
Nyigam Village  
PO and PS Basar  
Leparada District  
Arunachal Pradesh

**Advocate for the Petitioner** : , T. Jini, Gallen Taloh,

**Advocate for the Respondent** : R. Basar, GA (AP),  
Mindso Taso, Idak Bam, Ligam Nochi, Rintu Saikia,  
Bomchi Taipodia, Ligam Nochi, Rintu Saikia

**BEFORE  
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN**

**JUDGMENT & ORDER(ORAL)**

**Date : 30-06-2025**

Heard Ms. T. Jini, learned counsel for the petitioner. Also heard Ms. R. Basar, learned Government Advocate appearing for the respondent No. 1 and Mr. I. Bam, learned counsel for the respondent No. 2.

**2.** This is an application under Article 227 of the Constitution of India read with Section 151 of the Cr.P.C., by which the petitioner has prayed for issuance of a direction to the respondent No.1 i.e. the Deputy Commissioner, Basar, Laparada District, Arunachal Pradesh to dispose of the execution proceeding pending in connection with Bango Level Keba (Keba for short) decision dated 16.09.2019.

**3.** The fact of the case is that in the month of September' 2019, a complaint was filed by the respondent No. 2 before the Deputy Commissioner, Basar against the petitioner for mental harassment and physical assault alleged to have been committed by the petitioner. In pursuant to the complaint, the Deputy Commissioner, Basar appointed the Circle Head Gaon Bura as the Chairman of the committee and directed him to conduct a Bango Level Keba to decide the case. After hearing both the parties as well as the witnesses, the Chairman, on 16.09.2019, had decided, in terms of the decision of the majority of the Keba members, that both the parties should get divorced and none of the parties shall disturb each other ever. It was also decided that Gekir Ori shall identify the beaded neckless and the beaded Lisum and the same shall be given back to the respondent No. 2. It was also decided that a plot of land,

measuring 824 Square Meter, which was gifted by the petitioner to the respondent No. 2, during the subsistence of marriage should be returned back to the petitioner. Furthermore, it was decided that the respondent No. 2 may collect all her belongings from the house of the petitioner. The said Keba decision was accepted by the petitioner and the respondent No. 2 and both of them had put their signatures on the same day.

**4.** On 19.09.2019, the Deputy Commissioner, Basar constituted a committee comprising of the Head Gaon Bura and Gaon Bura of 4 (four) numbers of villages to accompany the respondent No. 2 for collection of her personal belongings from the residence of the petitioner. The Deputy Commissioner also directed the Officer-in-Charge, Police Station to monitor the entire process of collection of the personal belongings by the respondent No. 2, by ensuring peace and order during the said collection.

**5.** On 24.09.2019, the respondent No. 2 had made a complaint before the Deputy Commissioner, Basar seeking for a direction that the Deputy Commissioner should not take up any application filed on behalf of the petitioner for transfer of the land until her articles were given back and in pursuance to the same, the petitioner also made an application before the Deputy Commissioner that the complaint of responder No. 2 is irrational and baseless and that the Deputy Commissioner may proceed with the transfer of the land to the petitioner. Thereafter, the Petitioner made a number of representations to the Deputy Commissioner for execution of the Keba decision, dated 16.09.2019. Since the said Keba decision has not been executed till date, the petitioner has filed this petition for execution of the said Keba decision.

**6.** Ms. Jini, learned counsel appearing before the petitioner has submitted, before this Court, that the Keba decision, dated 16.09.2019, was decided after

hearing both the parties and the witnesses present therein, wherein, it was decided that both the parties would get divorced and that the ornaments of respondent No. 2 were to be given back to her and that the land, which was gifted by the petitioner to responder No. 2, was to be returned to the petitioner. She submitted that against the said Keba decision, no appeal was preferred before the Appellate Authority and that the decision of the Bango Level Keba had attained finality. She has also submitted that a number of times, representations were made to the Deputy Commissioner by the petitioner for execution of the said Keba decision but nothing has been done so far. She further submitted that the Deputy Commissioner vide order, dated 09.06.2021, had ordered that since there were claims and counterclaims from both the parties, the matter was endorsed for settlement in arbitration as per provision of under Section 38 of Assam Frontier Regulation Act, 1945 (AFR for short). In the said order, the learned Deputy Commissioner had also stipulated that there are complaints from responder No. 2 that some of her personal properties such as, local ornaments and brass plates was found missing from the residence of the petitioner and as such, she could not collect it. The Deputy Commissioner by the said order directed the parties to submit a list of arbitrators, seven numbers each, for settlement of the dispute.

7. It is submitted by Ms. Jini, learned counsel for the petitioner, that on 06.09.2021, the learned Deputy Commissioner ordered, by way of a reminder to both the parties, to submit a list of arbitrators. However, the petitioner challenged both the orders by filing a writ petition being WP(C) No. 23 (AP) of 2022, before the Hon'ble Gauhati High Court, on the ground that Section 38 of AFR, 1945 was deleted by virtue of coming into force of the Arunachal Pradesh Civil Court Act, 2021. The Hon'ble High Court vide order, dated 19.09.2022,

quashed both the orders, dated 09.06.2021 and 06.09.2021 and have ordered that the parties may approach appropriate forum for resolution of the dispute. It is submitted that the said order of the Hon'ble High Court was forwarded to the Deputy Commissioner by the petitioner vide letter dated 13.10.2022. She also submitted that the petitioner has further made representations to the learned Deputy Commissioner but the same was not acted upon by the said authority.

**8.** On the other hand, Ms. R. Basar, learned Government Advocate appearing for responder No. 1, by placing reliance upon the affidavit filed on 10.04.2025, submitted that the Deputy Commissioner had made all the endeavours to execute the Keba decision. However, the same could not be done, although he tried his best. It was due to outbreak of the pandemic of COVID-19, the parties could not appear before him as well as due to other time-bound administrative and developmental workload, he could not complete the process of execution of the Keba decision. She submitted that, on 17.05.2023, the learned Deputy Commissioner, passed an order in connection with the instant case stating, *inter alia*, that he has received an application from responder No. 2 on 16.05.2023, alleging non-compliance of Keba decision by the petitioner and that he had ordered for an arbitration between the parties but then he was not aware that the enabling provision for arbitration was done away with by the Arunachal Pradesh Civil Court Act 2021. She, as such, submitted that much efforts were made by the learned Deputy Commissioner to execute the Keba decision but the same could not be put into action for reasons mentioned hereinabove.

**9.** Mr. I. Bam, learned counsel for the respondent No. 2 has submitted, before this Court, that the terms of the settlement arrived in the Keba decision was not followed by the petitioner concerned. He submitted that it was directed in the Keba decision that responder No. 2 would collect all her belongings from the

residence of the petitioner but when she went along with the committee members, formed by the Deputy Commissioner, she found that most of her ornaments were missing and she was confronted with lots of resistance by the family members of the petitioner during the collection of her belongings. He, therefore, submitted that respondent No. 2 had lodged a complaint before the Deputy Commissioner on 24.09.2019, stating, *inter alia*, that her local ornaments as well as brass plates were not given to her as per the direction of the Keba decision and, therefore, the learned Deputy Commissioner should not take up the application of the petitioner, praying for handing over the land to him. The learned counsel for the respondent No. 2 has also placed an application filed by respondent No. 2 on 12.06.2023, wherein, she stated that the petitioner had not complied with the Keba decision and had also prayed, therein, that she did not get any alimony or maintenance, till date. He also submitted that the land in question was gifted to the respondent No. 2 by the petitioner during the subsistence of the marriage and that she has been paying land revenue since the date of the gifting, showing the ownership of the land upon her and since, part of the Keba decision was not followed by the petitioner, she is also not entitled to follow the rest.

**10.** I have heard the learned counsels appearing for both the parties and have carefully gone through the records.

**11.** It is noticed that the petitioner has prayed for the execution of the Keba decision, dated 16.09.2019, which clearly shows the actions to be undertaken by both the parties. In the said decision, the specific exercise to be undertaken was that, two numbers of ornaments i.e. beaded Lisum and beaded necklace, were to be given back to respondent No. 2. The land, measuring 824 Square Meters, which was gifted by petitioner to the respondent No. 2 was to be

returned back to the petitioner. Further, that the respondent No. 2 would collect her belongings from the house of the petitioner.

**12.** However, it was reflected in the said Keba decisions that the beaded Lisum and the necklace were put on mortgage. Further, in the said Keba decision, what are the belongings that needs to be collected from the house of the petitioner was not mentioned. The said Keba decision was accepted by both the parties. The respondent No. 2 had never filed any appeal challenging the same before any appellate authority.

**13.** In pursuance to the said Keba decision, the Deputy Commissioner had constituted a committee consisting of 4 (four) Head Gaon Buras and Gaon Buras to assist respondent No. 2 to collect her belongings from the house of the petitioner. However, in the affidavit-in-opposition filed by the respondent No. 1, it was stated that the Committee members have submitted a report revealing that the Point-B of the Kaba decision was not complied with, i.e. handing over the two numbers of necklaces to the respondent No. 2. The said report does have a basis, inasmuch as, the neckless were put on mortgage as stated in the Keba decision, mentioned above.

**14.** Thereafter, respondent No. 2 by lodging a complaint on 24.09.2019, before the learned Deputy Commissioner had stated that some of her personal properties, such as, precious local ornaments and brass plates were found missing from the house of the petitioner, wherein, she also prayed that the land allotment matter may not be taken up till her properties are handed over.

**15.** Further, one party to the decision cannot complain that since part of the decision is not followed by the other party, the rest of the decision will also not be followed by the former party. As such, complaint by the respondent No. 2

that part of the Keba decision is not complied with by the petitioner does not entitle her to disregard the rest of the Keba decision and it is not the either way out. The petitioner had never complained but he had filed representations for execution of the decree. Further it is noticed, in the pleadings, that the respondent No. 2 has claimed title over the land. In that case, the respondent No. 2 could have filed appeal against the Keba decision which was not done. It is further noticed that the learned Deputy Commissioner had given much efforts to execute the Kaba decision, however, due to his other pre-allotted time-bound works and due to the complaint lodged by respondent No. 2, the said execution proceeding could not be finalised due to the said unavoidable reasons.

**16.** By virtue of Arunachal Pradesh Civil Court (Amendment) Act, 2022, Section 27 of the Arunachal Pradesh Civil Court Act, 2021 was amended and for Sub-Section 2 Section of 45 of the AFR, 1945 the following was substituted:

“(2) (a) *Execution and enforcement of the order or decree passed by the village authority : If the person against whom a decree or order has been passed by the village authority, fails to pay or comply with such order or decree within a period of thirty days, the party in whose favour such decree or order has been passed, may apply to the concerned Deputy Commissioner or Assistant Commissioner, as the case may be, for execution or enforcement of the decree or order of the village authority.*

(b) *The concerned Deputy Commissioner or the Assistant Commissioner, as the case may be, on receipt of such application may call for records of the order or decree of the village authority and execute or enforce the same by following the principles laid down in the Code of Civil Procedure, 1908 in spirit”.*

**17.** It is seen from the above provision that if the person against whom the



decree has been passed by the Village Authority fails to comply within a period of 30 days, the party in whose favour the decree was passed may apply to the Deputy Commissioner for execution of the same and then the concerned Deputy Commissioner or the Assistant Commissioner, as the case may be, may execute and enforce the same by following the principles of Code of Civil Procedure, 1908, in spirit. It is, therefore, mandated by law that the Deputy Commissioner is duty bound to execute the decision of the Village Authority i.e. the Keba decision, by following the procedures engrafted under Order XXI of CPC.

**18.** The Keba decision is only for handing over the ornaments by the petitioner to respondent No. 2 and her belongings, which is not specified in the decision and the land measuring 824 Square Meters gifted by petitioner to respondent No. 2, to be given back to the petitioner. As the belongings mentioned in the Keba decision, is not specified, the same may not be stressed by virtue of the list given in the complaint letter, dated 12.06.2023, by the respondent No. 2. However, the other two requirements have to be strictly executed in view of the decision. It is also provided in Section 45 of the AFR, 1945, that the decree has to be executed within a period of 30 (thirty) days and it is noticed that many years have elapsed by since the date of the Keba decision. As such, it is directed that the Learned Deputy Commissioner may execute the Keba decision, as early as possible, strictly in terms with the decision dated 16.09.2019.

**19.** It is directed that the Executing Court may take into account while executing the Keba decision, the requirements provide under Order XXI of CPC, in the interest of justice.

**20.** Further, it is directed that the parties aggrieved, by any inaction or action of each other, may resort to the available remedies given under the law.

**21.** In view of the above, this civil revision petition stands disposed of.

**JUDGE**

**Comparing Assistant**