

GAHC040011282022



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

Case No. : IA(C)/197/2022

SBI General Insurance Co. Ltd.

Having its registered office at 15th Floor, PS Srijan Corporate Park, Plot No. G 2, Block EP and GP, Sector V, Bidhannagar, Kolkata 700091, West Bengal and one of the North East Regional Office at Lakshmi Darshan Building, 2nd Floor, GS Rd, Opposite Bora Service Station Complex, Ulubari, G.S Road, Guwahati.

VERSUS

Arti Tamang Barman and Anr.

W/o Late Gangaram Tamang.

aged about 40 years, permanent resident of Village Mulangao, PO and PS Rangapara, Sonitpur District, Assam. 2:David Waii

Age: 0

Occupation

Advocate for the Petitioner : T Tayeng

Advocate for the Respondent : A Lamnio

Linked Case : IA(C)/198/2022

SBI General Insurance Co. Ltd

Age: 0

Occupation :

Address:Having its registered office at 15th Floor

PS Srijan Corporate Park
Plot No. G 2
Block EP and GP
Sector V
Bidhannagar
Kolkata 700091
West Bengal and one of the North East Regional Office at Lakshmi Darshan Building
2nd Floor
GS Rd
Opposite Bora Service Station Complex
Ulubari
G.S Road
Guwahati.

VERSUS

Arti Tamang Barman and Anr.
Age: 0
Occupation :
Address:W/o Late Gangaram Tamang. aged about 40 years
permanent resident of Village Mulangao
PO and PS Rangapara
Sonitpur District
Assam
2:David Waii
Age: 0
Occupation :
Address:S/o Shri Sagam Waii
Proprietor of M/s Waii Traders
Permanent Resident of Village Waii
PO Khenewa
PS Seppa
East Kameng District
Arunachal Pradesh. Responden/Owner of the Vehicle No. AR 05 4010

Advocate for : T Tayeng
Advocate for : A Lamnio appearing for Arti Tamang Barman and Anr.: Advocate ,
appearing for 2, respectively.

Linked Case : MACApp./14/2022

SBI General Insurance Co. Ltd
Age: 0

Occupation :
Address: Having its registered office at 15th Floor
PS Srijan Corporate Park
Plot No. G 2
Block EP and GP
Sector V
Bidhannagar
Kolkata 700091
West Bengal and one of the North East Regional Office at Lakshmi Darshan Building
2nd Floor
GS Rd
Opposite Bora Service Station Complex
Ulubari
G.S Road
Guwahati.

VERSUS

Arti Tamang Barman and Anr.
Age: 0
Occupation :
Address: W/o Late Gangaram Tamang. aged about 40 years
permanent resident of Village Mulangao
PO and PS Rangapara
Sonitpur District
Assam.
2: David Waii
Age: 0
Occupation :
Address: S/o Shri Sagam Waii
Proprietor of M/s Waii Traders
Permanent Resident of Village Waii
PO Khenewa
PS Seppa
East Kameng District
Arunachal Pradesh. Respondent/Owner of the Vehicle No. AR 05 4010

Advocate for : T Tayeng
Advocate for : A Lamnio appearing for Arti Tamang Barman and Anr.: Advocate ,
appearing for 2, respectively.

BEFORE
HONBLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 26.07.2023

Heard Mr. T. Tayeng, learned counsel for the applicant/appellant. Also heard Mr. L. Perme, learned counsel for the respondent No.1/claimant.

Office note dated 25.07.2023 reveals that the service of notice upon the respondent No.2 has already been taken through newspaper publication and in this regard an affidavit has been filed.

This is an application filed under Section 5 of the Limitation Act, 1963 read with proviso to Section 173 of the Motor Vehicles Act, 1988 for condonation of delay of 15 days in preferring the connected appeal.

It is submitted by the learned counsel for the applicant/appellant, Mr. T. Tayeng, that there was no wilful negligence on the part of the applicant/appellant, however, while obtaining the certified copy of the petition and by fulfilling other formalities it took longer time than it was anticipated. The delay in filling this instant appeal is also well explained in paragraph 4 & 5 of the petition.

In this regard, Mr. L. Perme, learned counsel for the respondent has raised objection in condoning the delay of 15 days in preferring the connected appeal.

Considering the submission made by the learned counsel for the applicant/appellant as well as considering the grounds mentioned in paragraph 4 and 5 of the petition, and also for the ends of justice, the Interlocutory

Application for condonation of delay is hereby allowed and the delay of 15 days in preferring the connected appeal stands condoned.

The Interlocutory Application, i.e. I.A.(C)197(AP)/2022 stands disposed of in terms above.

Let the connected appeal along with I.A.(C)198(AP)/2022 be listed for final hearing after **2(two) weeks** on a date to be fixed by the Registry.

JUDGE

Comparing Assistant