

GAHC010016812018



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

**Case No. : I.A.(Civil)/178/2018**

THE ORIENTAL INSURANCE CO. LTD.  
A COMPANY REGISTERED UNDER THE COMPANIES ACT 1956  
REPRESENTED BY ITS REGIONAL MANAGER, ULUBARI, GUWAHATI 7,  
DIST. KAMRUP, ASSAM.

VERSUS

JESMIN BEGUM  
R/O VILL. KADAMTAL, MADHUPUR, P.O. NAGAON, P.S. SADAR, DIST.  
NAGAON, ASSAM.

2:MAHMUDA BEGUM  
R/O VILL. KADAMTAL  
MADHUPUR  
P.O. NAGAON  
P.S. SADAR  
DIST. NAGAON  
ASSAM

3:MIRJAN ALI  
ALL ARE R/O VILL. KADAMTAL  
MADHUPUR  
P.O. NAGAON  
P.S. SADAR  
DIST. NAGAON  
ASSAM.

4:ABUL KABIL BHUYAN  
VILL. CHINAPATTY  
AZAD NAGAR

BYLANE 1  
P.O. NAGAON  
P.S. SADAR  
DIST. NAGAON  
ASSAM.

5:ANWAR HUSSAIN  
VILL. HEDAYAT NAGAR  
WARD NO. 13  
P.S. SADAR  
DIST. NAGAON  
ASSA

**Advocate for the Petitioner** : MR. S K GOSWAMI

**Advocate for the Respondent** :

Linked Case : MACApp./36/2018

THE ORIENTAL INSURANCE CO. LTD.  
A CO. REGISTERED UNDER THE COMPANIES ACT 1956 REPRESENTED BY  
ITS REGIONAL MANAGER  
ULUBARI  
GUWAHATI-7  
DIST. KAMRUP  
ASSAM.

VERSUS

JESMIN BEGUM  
R/O VILL. KADAMTAL  
MADHUPUR  
P.O. NAGAON  
P.S. SADAR  
DIST. NAGAON  
ASSAM  
PIN 782003

2:MAHMUDA BEGUM  
R/O VILL KADAMTAL

MADHUPUR  
P.O. NAGAON  
P.S. SADAR  
DIST. NAGAON  
ASSAM  
PIN 782003  
3:MIRJAN ALI  
R/O VILL KADAMTAL  
MADHUPUR  
P.O. NAGAON  
P.S. SADAR  
DIST. NAGAON  
ASSAM  
PIN 782003  
4:ABDUL KABIL BHUYAN  
VILL. CHINAPATTY  
AZAD NAGAR  
BYLANE 1  
P.O. NAGAON  
PIN 782001  
P.S. SADAR  
DIST. NAGAON  
ASSAM.  
5:ANWAR HUSSAIN  
VILL. HEDAYAT NAGAR  
WARD NO. 13  
P.S. SADAR  
DIST. NAGAON  
ASSAM  
PIN 782447

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Advocate for : MR. S K GOSWAMI  
Advocate for : appearing for JESMIN BEGUM

**BEFORE  
HONOURABLE MR. JUSTICE NANI TAGIA**

**ORDER**

**Date : 09.10.2023**

Heard Mr. S. K. Goswami, learned counsel for the applicant. Also heard Mr. M. Talukdar, learned counsel, appearing on behalf of Opposite Parties No. 1, 2 & 3.

By order, dated 28.11.2022, notice on respondent No. 4 has been deemed to be served.

Pursuant to the same order, dated 28.11.2022, the applicant has served notice to the respondent No. 5 by *dasti* through the Assistant Jailor, Central Jail, Nagaon, and to that effect; an affidavit, dated 26.07.2023, has also been filed which has been perused by the Court. In view of the above; notice on respondent No. 5 is also deemed to be served.

This is an application preferred by the applicant/Insurance Company under Section 5 of the Limitation Act, 1963, praying for condonation of delay of 237 days, in preferring the connected appeal being MAC. A. 36/2018 which appeal is directed against the judgment & award, dated 10.01.2017, passed by the learned Member, MACT, Nagaon, in MAC Case No. 573/2014.

The reasons for the delay in not preferring the connected MAC. appeal within the stipulated time have been explained in the accompanying application stating that Insurance Company suspecting some foul play regarding involvement of the offending vehicle bearing Reg. No. AS-02/H2787 in the alleged accident on the ground that different MACT cases have been filed involving the same insured driver claiming compensation in MACT Nagaon wherein same Md. Anwar Hussain was the alleged driver and Abul Kabil Bhuyan was the insured. As a result, in the process of ascertaining the information regarding various MACT claim petitions filed before the MACT Nagaon, and thereafter, taking several steps for filing of the connected appeal by the Office of the applicant; the delay, in question, has occurred.

The Opposite Parties No. 1, 2 & 3, have filed an objection contending that the delay of 237 days have not been properly explained by the applicant requiring condonation by the Court.

Having heard the learned counsels appearing for the parties and on perusal of the materials placed on record, more particularly, the explanation provided by the applicant in paragraphs No. 4, 5 & 6 of the accompanying application and having regard to the law laid down by the Hon'ble Supreme Court that an application filed under Section 5 of the Limitation Act, 1963, needs to be dealt very liberally with a justice oriented approach; the delay of 237 days in preferring the connected appeal being MAC. A. 36/2018, is hereby condoned in the interest of justice.

The interlocutory application stands allowed and accordingly stands disposed of.

**JUDGE**

**Comparing Assistant**