

GAHC030003522023



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

Case No. : I.A.(Civil)/76/2023

United India Insurance Co. Ltd., Aizawl Branch
r/b its Branch Manager, Canteen kual, Aizawl, Mizoram

VERSUS

Smt Vanlaldinpuii and 2 Ors.
W/o Laldanmawia (L), Hunthar, Aizawl, Mizoram 2:Smt Lalthai
W/o Lalrinmawia
Ramhlun South
Aizawl

3:Sh Lalchullova
S/o Lalneihthuama
Bairabi
Mizora

Advocate for the Petitioner : Mr K Laldinlana

Advocate for the Respondent : Ms. Babie Lalhlimpuii

Linked Case : MACApp./4/2023

United Insurance Co. Ltd.
Aizawl Branch
Aizawl
Canteen kual
Aizawl
Mizoram

VERSUS

Smt Vanlaldinpui and 2 Ors.
W/o Laldanmawia (L)
Hunthar
Aizawl

2:Mrs Lalthai
W/o Lalrinmawia
Ramhlun South
Aizawl

3:Sh Lalchulova
S/o Lalneihthuama
Bairabi
Mizoram

Advocate for the Petitioner : Mr K Laldinliana
Advocate for the Respondent : Ms. Babie Lalhlimpuii for R1

B E F O R E
HON'BLE MRS. JUSTICE MARLI VANKUNG
ORDER

04.12.2023

Heard Mr. K. Laldinliana, learned counsel for the applicant along with Mr. Zoramchhana, learned counsel for the respondents.

2. This is an application for condonation of delay under Section 5 of the Limitation Act for condoning a delay of 37 days in filing the appeal against the impugned Judgment & Order dated 07.12.2022 passed by the Member-cum-Presiding Officer, MACT, Aizawl in MAC Case No. 28/2019.

3. The learned counsel for the applicant submits that there was a delay of 37 days in filing the appeal which was mainly due to the reasons highlighted in para 3 of the application for condonation of delay. The main grounds given was that the delay was due to the time taken for communication of the judgment and order to the main branch to the Divisional Office at Silchar and thereafter, it

had to be forwarded to the Regional Officer, Guwahati seeking for their opinion. That the delay was not due to any laches or negligence on their part.

4. Mr. Zoramchhana, learned counsel for the respondents, on the other hand submits that they will not raised objection to the condonation of delay but submits that the condonation may be allowed with a condition that at least 80% of the awarded amount be deposited in the Registry. He further submits that the appeal is with regards to the quantum of the award made in favour of the respondents.

5. Having heard the submissions made by the learned counsels for both the parties and on considering the grounds on which the judgment and order passed by the learned Member-cum-Presiding Officer, MACT dated 07.12.2022 in MAC Case No. 28/2019, which is with regards to the quantum of the award made in favour of the respondents, this Court find it fit to allow the condonation of delay subject to the deposit of 50% of the awarded amount into this Registry within 3 (three) weeks. Thereafter, the respondent No. 1 may be allowed to withdraw the 50% of the amount deposited after due verification by the Registry.

6. Accordingly, I.A.(Civil) No. 76/2023 stands allowed with the above conditions and disposed of.

JUDGE

Comparing Assistant