

GAHC040015252022



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

Case No. : IA(C)/251/2022

New India Assurance Company Ltd.
Having its Registered Office and Head Office at 87, M.G. Road, Fort, Mumbai and its
Regional Office at Star City Complex, 5th Floor, Lachit Nagar, near Hanuman
Mandir, G.S. Road, Guwahati 781007

VERSUS

Pabita Thanu and 2 Ors.
D/o Late Mon Bahadur Thani,
Resident of Village Garamara Gaon, PO and PS Chariduar, Sonitpur District, Assam.
2:Gyanu Bahadur
Age: 0
Occupation :
S/o Late Kul Bahadur

Resident of Gandhi Colony
Bomdila
PO and PS Bomdila
West Kameng District
Arunachal Pradesh.
Owner of the Vehicle.

3:Kishan Biswakarma
Age: 0
Occupation :
S/o Shri Rajo Biswakarma
Village Digli Basti
PO and PS Chariduar
Sonitpur District
Assam.
Driver of the Offending Vehicle

Advocate for the Petitioner : T Tayeng,

Advocate for the Respondent : ,

**BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE**

ORDER

Date : 17.09.2024

Heard Mr. T. Tayeng, learned counsel for the applicant.

This is an application filed under Section 5 of the Limitation Act, 1963 praying for condonation of delay of 100 days in filing the connected Mac appeal No.22/2022.

Mr. R. L. Thungon, learned counsel has appeared on behalf of the respondent No.1 on 01.03.2023, however, no power has been filed as on date.

The learned counsel for the applicant has filed an affidavit regarding the proof of *dasti* service upon the respondents No.2 and 3, which is taken on record. Therefore, the service upon all the respondents are complete.

Having considered the grounds for condoning the delay of 100 days in filing the connected MAC appeal, this Court is satisfied that sufficient cause is shown which prevented the applicant from filing the connected appeal within time. Thus, I deem it appropriate to allow this application by condoning the delay of 100 days in filing the connected MAC appeal. Accordingly, the Interlocutory Application is allowed and the delay of 100 days in filing the

connected MAC appeal is hereby condoned.

The I.A. stands allowed and disposed of.

JUDGE

Comparing Assistant