

GAHC010007302019



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

Case No. : I.A.(Civil)/139/2019

BALEN DEKA
S/O RAJEN DEKA, R/O VILL. ELANDIGAL , P.S. NALBARI, DIST. NALBARI,
ASSAM.

VERSUS

MUSTT BINAN BIWI AND 5 ORS
W/O LATE RAHMAN ALI, R/O VILL. MUGKUCHI, P.S. NALBARI, PIN 781335,
ASSAM.

2:SUBHAN ALI
S/O LATE RAHMAN ALI
R/O VILL. MUGKUCHI
P.S. NALBARI
PIN 781335
ASSAM.

3:IKRAM HUSSAIN
S/O LATE RAHMAN ALI
R/O VILL. MUGKUCHI
P.S. NALBARI
PIN 781335
ASSAM.

4:MAJNUR ALI

S/O LATE RAHMAN ALI
R/O VILL. MUGKUCHI
P.S. NALBARI
PIN 781335
ASSAM.

5:NASIR ALI

S/O LATE RAHMAN ALI
R/O VILL. MUGKUCHI
P.S. NALBARI
PIN 781335
ASSAM.

6:THE REGIONAL MANAGER
NEW INDIA ASSURANCE CO. LTD.
G.S. ROAD
ABC
GUWAHATI 78100

Advocate for the Petitioner : MR. S C BISWAS

Advocate for the Respondent : MR. K K BHATTA (R6)

Linked Case :

BALEN DEKA

VERSUS

MUSTT BINAN BIWI AND 5 ORS

Advocate for :

Advocate for : appearing for MUSTT BINAN BIWI AND 5 ORS

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 19.01.2024

Heard Ms. A. Das, learned counsel for the applicant and Ms. R. Devi,

learned counsel for the respondent No. 6.

This is an application filed under Section 5 of the Limitation Act, 1963 for condoning the delay of 205 days in filing the connected appeal against the impugned judgment and order dated 21.12.2017, passed by the learned Member, Motor Accident Claims Tribunal No. 3, Kamrup (Metro), Guwahati in MAC Case No. 2085/2014.

The learned counsel for the applicant has submitted that the applicant was suffering from neurological disorder and as such was not in a position to file the connected appeal in time. In support of the ailment of the applicant, the learned counsel for the applicant has produced some medical documents, vide Annexure- A. It is also submitted that the appeal has been filed by the appellant on quantum of compensation.

The learned counsel for the respondent No. 6 has filed objection and opposed in condoning the delay in filing the connected appeal.

However, considering the prayer of the learned counsel for the applicant that the applicant was suffering from some ailment and the applicant was not in a position to file the appeal in time, the prayer of the applicant is allowed. The delay of 205 days is, therefore, condoned.

The Registry is directed to register the connected appeal and list the matter for admission after two weeks.

The I.A. stands disposed of.

JUDGE

Comparing Assistant