

GAHC010008792024



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

Case No. : I.A.(Civil)/235/2024

THE RELIANCE GENERAL INSURANCE CO. LTD.
HAVING ITS REGISTERED OFFICE AT 19, RELIANCE CENTRE, WALCHAND
HIRACHAND MARG, BALLARD ESTATE, MUMBAI 400001 AND
CORPORATE OFFICE AT 570, RECTIFIER HOUSE, NAGAUM CROSS, NEXT
TO ROYAL INDUSTRIES ESTATE, WADALA (W), MUMBAI 400031 AND ONE
OF THE BRANCH OFFICES AT PRAG PLAZA, 5TH FLOOR G.S. ROAD,
BHANGAGARH GUWAHATI- 781005.

VERSUS

ELA BORPATA GOHAIN @ ELA BORPATRA GOHAIN DIHINGIA AND 3 ORS.
W/O LATE TITHESHWAR DEHINGIA,
PERMANENT RESIDENT OF VILLAGE MORAN NATUN NAGAR P.O. AND P.S.
MORAN DIST.- DIBRUGARH ASSAM, PIN- 785675.

2:CHANDRAJYOTI DEHINGIA
S/O LATE TITHESHWAR DEHINGIA

PERMANENT RESIDENT OF VILLAGE MORAN NATUN NAGAR P.O. AND P.S.
MORAN DIST.- DIBRUGARH ASSAM
PIN- 785675.

3:MD. JAFIR MIAH
C/O JAHAN MIAH

RESIDENT OF VILLAGE CHAGOLIA PART II P.O.- AGOMONI P.S.-
GOLOKJANG DIST.- DHUBRI
ASSAM PIN- 783335.

4:SURAJ SK
S/O NARUL HAQUE
RESIDENT OF GAURIPUR WARD NO. 4 P.O. AND P.S.- GAURIPUR

DIST.- DHUBRI
ASSAM
PIN- 783331

Advocate for the Petitioner : MR. A J SAIKIA

Advocate for the Respondent : MR. N BORUAH (R-1)

Linked Case :

THE RELIANCE GENERAL INSURANCE CO. LTD

VERSUS

ELA BORPATA GOHAIN @ ELA BORPATR GOHAIN DIHINGIA AND 3 ORS F

Advocate for : MR. A J SAIKIA

Advocate for : appearing for ELA BORPATA GOHAIN @ ELA BORPATR GOHAIN
DIHINGIA AND 3 ORS F

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 29.01.2024

Heard Mr. A.J. Saikia, learned counsel for the applicant. Also heard Mr. M. Baruah, learned counsel for the respondent Nos. 1 and 2.

The present application has been filed under Section 5 of the Limitation Act, 1963 for condonation of delay of 29 days in preferring the connected appeal against the judgment and order dated 12.09.2023 passed by the learned

Member, MACT No.2, Kamrup(M), Guwahati, in MAC Case No. 1671/2020.

Mr. Saikia, learned counsel for the applicant submits that the delay occurred in filing the connected appeal is not intentional. He further submits that detailed ground of delay has been explained in the petition.

It has further submitted by the learned counsel for the applicant that respondent Nos. 3 and 4 are not required to be heard in the proceeding of this case as they are the owner and driver of the offending vehicle. Therefore, their names should be struck off from the array of the respondents.

I have considered the submissions made by the learned counsel for the parties.

The delay has been satisfactorily explained by the applicant and also the learned counsel for the respondent Nos. 1 and 2 did not raise any objection regarding the prayer of the applicant.

Considering all, the delay of 29 days is condoned and the names of the respondent Nos. 3 and 4 are struck off from array of the respondents in cause title of the appeal at the risk of the applicant.

The Registry is directed to do the needful and shall register the connected appeal and list it in admission column.

With the above observation, I/A stands disposed of.

JUDGE

Comparing Assistant