

GAHC010012192020



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

Case No. : I.A.(Civil)/399/2020

ATABAR AKAND
SON OF LATE MOTI AKAND, RESIDENT OF VILLAGE KHOIRABARI, P.O.
KHOIRABARI, P.S. BARPETA ROAD, DISTRICT BARPETA, ASSAM

VERSUS

MISS HASINA BEGUM AND 2 ORS
WIFE OF LATE AFTAB HUSSAIN, RESIDENT OF VILLAGE KHAIRABARI,
P.O. KHAIRABARI, P.S. BARPETA ROAD, DISTRICT BARPETA, ASSAM-
781315

2:THE BRANCH MANAGER
THE ORIENTAL INSURANCE CO. LTD
BARPETA ROAD BRANCH
P.O. AND P.S. BARPETA ROAD
DISTRICT BARPETA
ASSAM-781315

3:THE REGIONAL MANAGER
M/S ORIENTAL INSURANCE CO. LTD
REGIONAL OFFICE
G.S. ROAD
ULUBARI
GUWAHATI-78100

Advocate for the Petitioner : MD. S ISLAM

Advocate for the Respondent : MS C BORAH

Linked Case :

ATABAR AKAND
SON OF LATE MOTI AKAND
RESIDENT OF VILLAGE KHOIRABARI
P.O. KHOIRABARI
P.S. BARPETA ROAD
DISTRICT BARPETA
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G.S. ROAD
ULUBARI
GUWAHATI-781007

Advocate for : MD. S ISLAM

Advocate for : appearing for MISS HASINA BEGUM AND 2 ORS

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

26.04.2024

Heard Md. S. Islam, learned counsel for the applicant/appellant. Also heard Ms. S. Mochahari, learned counsel for the respondent Nos. 1 and 2.

Office Note dated 09.10.2023 reveals that neither A/D Card nor unserved notice in respect of respondent Nos. 1 and 2 has been received back by the Registry till date.

This application is filed under Section 30 of the Workmen's Compensation Act, 1923 *read with* Section 5 of the Limitation Act, 1963 with a prayer for condonation of delay for a period of 118 days beyond the period of limitation in filling the appeal against the judgment and award dated 25.07.2019 passed by the Commissioner, Workmen's Compensation, Kamrup, Guwahati in W. C. Case No. 132/2008.

Mr. Islam, learned counsel for the applicant, submits the applicant is a poor person and he was not in a position to arrange the Court fee, but, somehow he arranged the fee and contact the counsel and prepared the Memo of Appeal and for which, the delay of 118 days occurred in preferring the present appeal. Further, there was no intentional lapses or negligence on the part of the applicant. But, due to his financial constraint, the appeal could not be filed within the period of limitation. The reason for delay has already been explained in paragraph No. 4 of the present application. Accordingly, it is submitted that the delay is not deliberate but a *bona fide* one and, therefore, it is prayed to condone the same.

In this context, the learned counsels appearing for the respondent Nos. 1 & 2 raised no objection in condoning the delay of 118 days in preferring the connected appeal.

In view of above and also for the ends of justice, the Interlocutory Application for condonation of delay is hereby allowed and the delay of 118 days in preferring the connected appeal stands condoned.

Registry to register the connected Mis. First Appeal and list the same for admission hearing in its usual course.

The Interlocutory Application stands disposed of in terms above.

JUDGE

Comparing Assistant