

GAHC010017882024



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

Case No. : I.A.(Civil)/267/2024

TATA AIG GENERAL INSURANCE CO. LTD
HAVING ITS REGISTERED OFFICE AT PENISULA CORPORATE PARK,
NICOLAS PIRAMAL TOWER 9TH FLOOR, GANPATRO KADAM MARG,
MUMBAI, PIN- 400013, ZONAL OFFICE AT CONSTANTIA OFFICE COMPLEX,
2ND FLOOR, 11, DR U.N. BRAHMACHARI STREET, KOLKATA- 700017 AND
BRANCH OFFICE AT ABC, G.S. ROAD GUWAHATI- 781005.

VERSUS

CHABILAL THAPA @ RAJU AND ANR.
S/O SRI GANESH BAHADUR THAPA,
VILL.- UDOIPUR DEORI GAON, P.O.- SADIYA, P.S.- SADIYA, DIST.-
TINSUKIA, ASSAM, PIN- 786155.

2:AMBAHADUR THAPA
S/O SRI GANESH BAHADUR THAPA

VILL.- UDOIPUR DEORI GAON
P.O.- SADIYA
P.S.- SADIYA
DIST.- TINSUKIA
ASSAM
PIN- 786155

Advocate for the Petitioner : MR. R GOSWAMI

Advocate for the Respondent : MR. M KHAN (R-1)

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 24.04.2024

Heard Ms. P. Borthakur, learned counsel for the applicant. Also heard Ms. J. Aktar, learned counsel for the respondent No. 1 and Mr. A. Buragohain, learned counsel for the respondent No. 2.

This is an application under Section 5 of the Limitation Act, 1963 for condonation of the delay of 53 days in preferring the connected Misc. First Appeal, which has been preferred against the judgment and order dated 01.08.2023, passed by the learned Commissioner for Employee's Compensation, Bongaigaon in E.C. Case No. 24/2022 directing the applicant to pay Rs. 11,60,995/- to the respondent/claimant.

It is submitted by Ms. P. Borthakur, learned counsel for the applicant, that the copy of the judgment and order dated 01.08.2023 was sent by post which was received by the Office of the applicant at Guwahati on 08.08.2023 and after receipt of the judgment on 14.08.2023, the matter was placed before the panel advocate and for observing some other official formalities, there was a delay of 53 days in filing the connected appeal. She further submitted that there was no intentional laches or negligence on the part of the applicant in preferring the appeal within the statutory period of limitation and accordingly prays that the delay of 53 days in preferring the connected appeal may be condoned. The cause of delay is also properly explained in paragraph No. 2 of the application.

In this context, Ms. J. Aktar, learned counsel for the respondent No. 1, as well as Mr. A. Buragohain, learned counsel for the respondent No. 2, raised no objection.

After considering the submissions made by the learned counsels for sides and also considering the grounds mentioned in paragraph No. 2 of the application, which is found to be reasonable and justified ground, as well as for the ends of justice, the present Interlocutory Application for condonation of delay is hereby allowed and the delay of 53 days in preferring the connected appeal stands condoned.

Registry to register the connected Misc. 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