

GAHC010020332023



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

Case No. : I.A.(Civil)/1331/2023

THE NEW INDIA ASSURANCE CO. LTD.
HAVING ITS REGISTERED AND HEAD OFFICE AT NEW INDIA ASSURANCE
BUILDING, 87 MAHATMA GANDHI ROAD, FORT, MUMBAI- 400001 AND
REGIONAL OFFICE AT GUWAHATI.

VERSUS

BIJAYA CHETIA AND 5 ORS.
W/O LT. UPENDRA NATH CHETIA,
R/O BORPOTHER CHETIA GAON,
P.O.- NA-HAZAR,
P.S.- KHOWANG,
DIST.- DIBRUGARH, ASSAM, PIN- 785669.

2:RITUPON CHETIA
S/O LT. UPENDRA NATH CHETIA

R/O BORPOTHER CHETIA GAON

P.O.- NA-HAZAR

P.S.- KHOWANG

DIST.- DIBRUGARH
ASSAM
PIN- 785669.

3:NABUL CHETIA
S/O LT. UPENDRA NATH CHETIA

R/O BORPOTHER CHETIA GAON

P.O.- NA-HAZAR

P.S.- KHOWANG

DIST.- DIBRUGARH
ASSAM
PIN- 785669.

4:RIMPI CHETIA GOGOI
D/O LT. UPENDRA NATH CHETIA

R/O BORPOTHER CHETIA GAON

P.O.- NA-HAZAR

P.S.- KHOWANG

DIST.- DIBRUGARH
ASSAM
PIN- 785669.

5:MD. IMANUDDIN AHMED
S/O IRABUDDIN AHMED

R/O BONIYABARI DHAI ALI JENGONEKOTIA

P.O. AND P.S.- SIVASAGAR

DIST.- SIVASARAG
ASSAM
PIN- 785640.

6:URFIA AHMED
W/O MD. IRABUDDIN AHMED

R/O BONIYABARI DHAI ALI NEARBY CULVERT JENGONEKOTIA

P.O. AND P.S.- SIVASAGAR

DIST.- SIVASARAG
ASSAM
PIN- 785640

Advocate for the Petitioner : MR SISHIR DUTTA

Advocate for the Respondent : MR. P BORA (r-5,6)

Linked Case :

THE NEW INDIA ASSURANCE CO. LTD.

VERSUS

BIJAYA CHETIA AND 5 ORS . A

Advocate for : MS. M CHOUDHURY

Advocate for : appearing for BIJAYA CHETIA AND 5 ORS . A

**BEFORE
HONOURABLE MRS. JUSTICE MARLI VANKUNG**

ORDER

Date : 31.05.2024

Heard Ms. M. Choudhury, learned counsel for the applicant and Ms. M. Das, learned counsel appears on behalf of respondents No.1 to 4, while Ms. K. Sharma, learned counsel appears on behalf of respondents No.5 and 6.

It is seen that notice is complete and the parties duly represented in the instant application filed under Section 5 of the Limitation Act, 1963 which is for condonation of delay of 187 days in preferring an appeal against the impugned Judgment dated 22.04.2022 passed by the learned Member, Motor Accident Claims Tribunal, Dibrugarh, in MAC Case No. 18/2020.

The learned counsel for the respondents submits that they will not be filing any written objection against the application for condonation of delay of 187 days.

Ms. M. Choudhury, learned counsel for the applicant submits that the reasons for the delay has been fully explained at paragraph-3 of the application, which is clearly due to the time taken for obtaining the opinion from the Regional Office of Guwahati and also the time taken for preparing the documents in filing the appeal.

I have heard the submissions made by the learned counsel for both the parties, I have perused paragraph-3 of the application and find that the delay of 187 days is not due to any negligence or laches on the part of the applicant.

It is also seen no objection had been raised by the respondents.

In view of above, the delay of 187 days is condoned and I.A.(Civil) No.1331/2023 stands allowed and disposed.

The Registry to number the appeal and list the matter for admission hearing.

The name for the learned counsel for the respondents to be reflected in the appeal application and list in due course.

JUDGE

Comparing Assistant