

GAHC010023072023



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

Case No. : I.A.(Civil)/732/2023

THE TATA AIG GENERAL INSURANCE CO. LTD.
HAVING ITS REGISTERED HEAD OFFICE AT PENINSULA BUSINESS
PARK ,TOWER A, 5TH FLOOR, G.K MARG, LOWER PAREL MUMBAI 4000013
MAHARASHTRA, AND HAVING ONE OF ITS BRANCH OFFICE AT 3RD
FLOOR, MAYUR GARDEN, OPP. HDFC BANK, GS ROAD, GUWAHATI 781005,
ASSAM

VERSUS

BINA KARMAKAR AND ANR.
W/O LATE MANGRA KARMAKAR
RESIDENT OF HALMIRA JUGIBARI LINE, HALMIRA T.E PO HALMIRA, PS
AND DIST GOLAGHAT, ASSAM

2:SRI PRAHLAD DAS
S/O SRI AKONTI DAS

RESIDENT OF NARAYANPUR GAON
PO BOKIAL
TITABOR
DIST JORHAT ASSAM 78561

Advocate for the Petitioner : MR. K K BHATTA

Advocate for the Respondent : MS. P BARUAH (r-1)

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 29.04.2024

Heard Ms. L. Sharma, learned counsel for the applicant. Also heard Ms. P. Baruah, learned counsel for the respondent No. 1.

From the Office Note dated 10.11.2023, it reveals that notice is already completed on respondent No. 2 and the Vakalatnama has also been filed on behalf of respondent No. 2.

In view of above, the notice is deemed to be served on respondent No. 2.

This is an application under Section 5 of the Limitation Act for condonation of delay of 50 days in preferring the connected appeal against the judgment and award dated 14.10.2022, passed by the Commissioner Employee's Compensation, Golaghat in E.C. Case No. 05/2020.

It is submitted by Ms. L. Sharma, learned counsel for the applicant, that due to observation of some official formalities for filing the connected appeal, there was a delay of 50 days in preferring 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 50 days in preferring the connected appeal may be condoned. The cause of delay is also properly explained in paragraph Nos. 4 & 5 of the application.

In this context, Ms. P. Baruah, learned counsel for the respondent No. 1, raised no objection in condoning the delay of 50 days in preferring the connected appeal.

Considering the submissions made by the learned counsels for sides and also considering the grounds mentioned in paragraph Nos. 4 & 5 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 50 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