

GAHC010028232019



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

Case No. : I.A.(Civil)/529/2019
In MAC Appl No. 1057/2019

SRI BIKSH CHANDRA DAS AND ANR
S/O SRI NABIN CHANDRA DAS,
R/O MORA KOLONG, AHATGURI, PS DHARAMTUL. DIST MORIGAON,
ASSAM 782412

2: SRI PRAKASH CHANDRA DAS

S/O SRI NABIN CHANDRA DAS

R/O MORA KOLONG
AHATGURI
PS DHARAMTUL. DIST MORIGAON
ASSAM 78241

VERSUS

DIPUMONI SAIKIA
S/O SRI CHANDI SAIKIA,
REPRESENTED BY HIS BROTHER SRI UMESH SAIKIA, PERMANENT
RESIDENT OF SIDHABARI, PS DHARAMTUL DIST MORIGAON, ASSAM,
782412

Advocate for the Petitioner : MR. P K DAS
Advocate for the Respondent : Ms. J BARUAH

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

27.06.2024.

Heard Shri P. R. Chakma, learned counsel for the applicant while none has appeared for the opposite party. Even on the earlier occasion i.e. 05.06.2024, there was no representation of the sole opposite party.

The instant application is filed under Section 5 of the Limitation Act for condonation of delay of 69 days in preferring the appeal against the judgment and award dated 18.08.2018 passed by the learned Member, MACT No. 2, Kamrup (M) in MAC Case No. 224/2016.

The learned counsel has drawn the attention of this Court to the averments made in paragraph 2 of the application and has prayed for condonation of delay.

It is a settled principle of law that an application praying for condonation of delay is to be considered by taking a pragmatic and justice oriented approach and substantial justice is to be preferred over the technicalities.

Considering the above and also the fact that the delay is of 69 days, the same is condoned and the IA stands allowed.

JUDGE

Comparing Assistant