

GAHC010042122024



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

Case No. : I.A.(Civil)/645/2024

SAHEDA BEGUM AND 2 ORS.
W/O LATE AJIT ALI,
R/O GARIGAON, P.S.- JALUKBARI, GUWAHATI- 781012, DIST.- KAMRUP
(METRO) ASSAM.

2: MD. AMZAD ALI
S/O LATE AJIT ALI

R/O GARIGAON
P.S.- JALUKBARI
GUWAHATI- 781012
DIST.- KAMRUP (METRO) ASSAM.

3: MAMONI BEGUM
D/O LATE AJIT ALI

R/O GARIGAON
P.S.- JALUKBARI
GUWAHATI- 781012
DIST.- KAMRUP (METRO) ASSAM

VERSUS

RITWIK ROCHAN KALITA AND 2 ORS.
S/O KESHAB KALITA,
R/O BIHDIA, P.O.- BIHDIA, NEAR BIHDIA GIRLS HIGH SCHOOL, BAIHATA,
P.S.- BAIHATA CHARIALI, PIN- 781141, DIST.- KAMRUP, ASSAM.

2:MD. IMADUR RAHMAN
S/O MD. BAPJAN ALI

R/O BIHDIA
BAIHATA
P.S.- BAIHATA CHARIALI

PIN- 781141
DIST.- KAMRUP
ASSAM.

3:THE REGIONAL OFFICE OF SBI GENERAL INSURANCE CO. LTD.
LASKHMI DARSHAN BUILDING
KANCHAN ROAD
OPP. BORA SERVICE STATION
ULUBARI
GUWAHATI- 781007
ASSAM.
CORPORATE AND REGISTERED OFFICE- NATRAJ 101
201
301
JUNCTION OF WESTERN EXPRESS HIFGWAY AND ANDHERI
KURLA ROAD
ANDHERI (EAST)
MUMBAI- 400069

Advocate for the Petitioner : MR. N SHARMA,

Advocate for the Respondent : MR. R GOSWAMI (r-3), MS. L WANGSA(R-2),MR D S DEKA(R-2),MD A RAHMAN(R-2),MR. T DEURI(R-2),MS. M SAIKIA (r-3),MS. P BORTHAKUR (r-3)

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 05.08.2024

Heard Mr. N. Sharma, learned counsel for the applicants and Ms. D.S. Deka, learned counsel for the opposite party No. 2. Also heard Ms. M. Saikia, learned counsel for the opposite party No. 3. None appears for the opposite party No. 1, though office note dated 18.07.2024, indicates that notice upon the opposite party No. 1 has already been served.

2. This application, under Section 5 of the Limitation Act, 1963, is preferred by three applicants, namely, Ms. Saheda Begum, Md. Amzad Ali and Ms. Mamoni Begum, for condonation of delay of 319 days in preferring an appeal against the

judgment and order dated 07.01.2023, passed by the learned Member, Motor Accident Claims Tribunal No. 3, Kamrup(M), in MAC Case No. 823/2017.

3. Mr. Sharma, learned counsel for the applicants submits that the delay of 319 days in filing the connected appeal has been explained in paragraph Nos. 3, 4, 5, 6, 7 and 8 of the application. Mr. Sharma also submits that on account of some laches on part of the earlier counsel, the applicants could not obtain the certified copy in due time, and that the delay is not intentional, rather it is circumstantial, and he submits that there is arguable point in the appeal and therefore, it is contended to condone the delay and admit the appeal.

4. The learned counsel for the opposite party Nos. 2 and 3 submit that they have no objection in the event of condoning the delay of 319 days in preferring the connected appeal.

5. Having heard the submission of learned Advocates of both sides, I have gone through the application and the documents placed on record and also the grounds mentioned in paragraphs No. 3, 4, 5, 6, 7 and 8.

6. It appears that the ground of delay has been sufficiently explained in this application and having been satisfied with the same, this Court is inclined to condone the delay of 319 in preferring the connected appeal.

7. In terms of above, this I.A. stands allowed.

8. In view of condonation of delay, Registry shall proceed to register the connected appeal and list the same before the Court.

JUDGE

Comparing Assistant