

GAHC010046282023



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

Case No. : I.A.(Civil)/540/2023

NEW INDIA ASSURANCE CO. LTD.
HAVING ITS REGISTERED OFFICE AT NEW INDIA ASSURANCE BUILDING
87, MAHATMA GANDHI ROAD, MUMBAI AND ONE OF THE REGIONAL
OFFICES KNOWN AS NORTH EAST REGIONAL OFFICE AT GS ROAD,
ULUBARI, GUWAHATI 7, ASSAM

VERSUS

NAZRANA BEGUM BARLASKAR AND 4 ORS.
W/O LATE RAFIUZ JAMAN BARLASKAR,
RESIDENT OF SATKARAKANDI PART I. PS SONAI DIST CACHAR, ASSAM
2:RAFIQA FARHIN BARLASKAR
D/O LATE RAFIUZ JAMAN BARLASKAR

RESIDENT OF SATKARAKANDI PART I. PS SONAI DIST CACHAR
ASSAM

3:MUSST. KULSUMA BEGUM BARLASKAR
W/O LATE LALU MIA BARLASKAR
RESIDENT OF SATKARAKANDI PART I. PS SONAI DIST CACHAR
ASSAM

4:NURUL AMIN BARBHUIYA
S/O LATE MAKABBIR ALI BARBHUIYA
TARAPUR PART V
PS SILCHAR
DIST CACHAR
ASSAM
788003

5:ISLAM UDDIN BARBHUIYA
S/O LATE MAKADDAS ALI BARBHUIYA NARAINPUR PART III

PS ALGAPUR
DIST HAILAKANDI
ASSAM
78815

Advocate for the Petitioner : MS P HUJURI

Advocate for the Respondent : MR. M TALUKDAR

Linked Case :

NEW INDIA ASSURANCE CO. LTD.

VERSUS

NAZRANA BEGUM BARLASKAR AND 4 ORS. B

Advocate for : MS P HUJURI

Advocate for : appearing for NAZRANA BEGUM BARLASKAR AND 4 ORS. B

BEFORE
HONOURABLE MRS. JUSTICE MARLI VANKUNG

ORDER

Date : 31.05.2024

Heard Mr. R. K. Bhatra, learned counsel for the applicant along with Mr. M. Talukdar, learned counsel for the respondents No.1 to 3.

It is seen that service of notice upon respondents No. 4 and 5 is still awaited, since A/D cared is not returned till dated.

However, it is seen that notice was served more than a month back and considering the instant application, which is for the condonation of delay of 38 days, which has not been objected by the learned counsel for the respondents No.1 to 3, this Court is find it fit to proceed with the matter.

The learned counsel for the applicant submits that in a similar case, wherein the respondents No.4 and 5 of the instant application were also an arrayed as parties in I.A.(Civil)/535/2023, a coordinate Bench of this Court

condoned the delay of 42 days.

The learned counsel submits that the delay of 38 days may also be condoned in this instant case, even though the respondents No.4 and 5 are not represented.

The learned counsel for the applicant submits that the reason of the delay has been explained at paragraph-5 to 11 of the application, which fully explains the reasons for the delay, which is primarily due to the office procedure followed for obtaining legal opinion on whether or not to file an appeal against the impugned Judgment and Order.

I have heard the submissions made by the learned counsel for both the parties, wherein no objection is raised by the learned counsel for the respondents No.1 to 3.

The Court has perused the explanation given at paragraph-5 to 11 of the application, and is satisfied that the delay of 38 days in filing the connected appeal is not due to any negligence or laches on the part of the applicant and accordingly condoned the delay of 38 days.

I.A.(Civil) No.540/2023 stands allowed and disposed. On the disposal of the instant application, the appeal application is to be registered by the Registry and list the matter for admission.

The name of M. Talukdar, learned counsel for the respondents No.1 to 3 is to be reflected thereafter.

JUDGE

Comparing Assistant