

GAHC010046842023



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

Case No. : I.A.(Civil)/736/2023

NATIONAL INSURANCE COMPANY LTD.
HAVING ITS REGISTERED OFFICE AT 3, MIDDLETON STREET, KOLKATA
AND ONE OF THE REGIONAL OFFICES KNOWN AS GUWAHATI REGIONAL
OFFICE AT GS ROAD, BHANGAGARH, GUWAHATI 5

VERSUS

BHARATI CHETIA AND 5 ORS.
W/O SRI BUDHESWAR CHETIA,
RESIDENT OF VILLAGE NA MAITHONG GAON, PO DIRAK MAITHONG, PS
KAKOPATHAR, DIST TINSUKIA, ASSAM 786152

2:SRI BUDHESWAR CHETIA
S/O LATE MULESWAR CHETIA

RESIDENT OF VILLAGE NA MAITHONG GAON
PO DIRAK MAITHONG
PS KAKOPATHAR
DIST TINSUKIA
ASSAM 786152

3:SMTI NABANITA CHETIA
D/O SRI BUDHESWAR CHETIA

RESIDENT OF VILLAGE NA MAITHONG GAON
PO DIRAK MAITHONG
PS KAKOPATHAR
DIST TINSUKIA
ASSAM 786152

4:SMTI DIBYAJYOTI CHETIA
D/O SRI BUDHESWAR CHETIA

RESIDENT OF VILLAGE NA MAITHONG GAON
PO DIRAK MAITHONG
PS KAKOPATHAR
DIST TINSUKIA
ASSAM 786152

5:UNION OF INDIA
205 FIELD WORKSHOP
INDIAN ARMY
PO LAIPULI
PS AND DIST TINSUKIA
ASSAM 78618

Advocate for the Petitioner : MR. K K BHATTA

Advocate for the Respondent : MR. P D NAIR

BEFORE
HONOURABLE MRS. JUSTICE MARLI VANKUNG

ORDER

Date : 29.05.2024

Heard Mrs. L. Sharma, learned counsel for the applicant along with Mr. H. Rohman, learned counsel for the respondent Nos. 1,2,3 & 4.

It is seen that service report in respect of respondent No. 5 is still awaited.

The instant application has been filed under Section 5 of the Limitation Act praying for condonation of delay of 14 days delay in filing the appeal against the judgment and award dated 15.11.2022 passed by the learned Additional Member-2, MACT, Tinsukia in MAC Case No. 24/2018.

The learned counsel for the applicant submits that the reason for delay of 14 days in filing the instant appeal has been explained in paragraphs 4, 5 and 6 of the application which is mainly due to the time taken for obtaining legal opinion from the regional office of the applicant.

Mr. Rohman, learned counsel for the respondent Nos. 1,2,3 & 4 submits that they have

no objection if the condonation of delay of 14 days is condoned as prayed for.

In view of above, considering the submissions of the learned counsel appearing for both the parties and on perusal of the explanation given in paragraphs 4, 5 & 6 of the application, this Court finds that the delay of 14 days in filing the appeal has been explained satisfactorily and there is no laches and negligence on the part of the applicant.

Accordingly, the petition is allowed and the delay is condoned.

Registry to register the appeal for admission.

JUDGE

Comparing Assistant