

GAHC010046972023



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

Case No. : I.A.(Civil)/859/2023

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

VERSUS

SUMA BEGUM BARBHUIYA AND 4 ORS.
W/O LATE SAJU MIA,
VILL.- SONABARIGHAT PART- I,
P.S.- SILCHAR,
DIST.- CACHAR, ASSAM, PIN- 788013.

2:SANIYA BEGUM
D/O LATE SAJU MIA

VILL.- SONABARIGHAT PART- I

P.S.- SILCHAR

DIST.- CACHAR
ASSAM
PIN- 788013.

3:SUNIYA BEGUM
D/O LATE SAJU MIA

VILL.- SONABARIGHAT PART- I

P.S.- SILCHAR

DIST.- CACHAR

ASSAM
PIN- 788013.

4:JALI BIBI
W/O LATE ATAB UDDIN

VILL.- SONABARIGHAT PART- I

P.S.- SILCHAR

DIST.- CACHAR
ASSAM
PIN- 788013.

5:MONIR UDDIN CHOUDHURY
S/O LATE FOJIJUR RAHMAN CHOUDHURY

VILL.- KAJIDHAR PART- III

P.O.- BOALIJUR

P.S.- SONAI

DIST.- CACHAR
ASSAM
PIN- 788115

Advocate for the Petitioner : MR. K K BHATTA

Advocate for the Respondent : MR. A ISLAM (r-1)

Linked Case :

NATIONAL INSURANCE COMPANY LTD.

VERSUS

SUMA BEGUM BARBHUIYA AND 2 ORS. A

Advocate for : MR. K K BHATTA

Advocate for : appearing for SUMA BEGUM BARBHUIYA AND 2 ORS. A

Linked Case :

NATIONAL INSURANCE COMPANY LTD.

VERSUS

SUMA BEGUM BARBHUIYA AND 2 ORS. A

Advocate for : MR. K K BHATTA

Advocate for : appearing for SUMA BEGUM BARBHUIYA AND 2 ORS. A

**BEFORE
HONOURABLE MRS. JUSTICE MARLI VANKUNG**

ORDER

Date : 28-05-2024

Heard Ms. L. Sharma, learned counsel for the applicant along with Mr. L.R. Mazumder, learned counsel for respondent Nos. 1 to 3.

On perusal of the office note dated 13.12.2023, it appears that the respondent No.4 has expired as duly informed by her son. It is also seen that notice upon respondent No.5 was received by a member of a family.

In view of the above, notice is deemed to be complete upon the respondents.

The instant application filed under Section 5 of the Limitation Act is for the condonation of delay of 12 days in filing the connected appeal against the Judgment & Award dated 17.11.2022 passed by the learned Member, MACT,

Cachar in MAC Case No.382 of 2019.

The learned counsel for the applicant submits that the delay of 12 days has been explained at para 4 & 5 of the application, wherein time was taken for acquiring the certified true copy and for consulting an engaging an advocate. The learned counsel submits that the delay was not due to any negligence on the part of the applicant.

Mr. L.R. Mazumder, learned counsel for respondents has raised no objection to the condonation of delay.

On perusal of the explanation given by the learned counsel for the delay which is highlighted at paras 3 & 4 of application, this court finds that the delay has been satisfactorily explained and that it was not due to any laches or negligence on the part of the applicant.

In view of the above, this court find it fit to condone the delay of 12 days in filing the connected appeal against the Judgment & Award dated 17.11.2022 passed by the learned Member, MACT, Cachar in MAC Case No.382 of 2019.

Accordingly, I.A.(Civil) No. 859/2023 stands allowed and disposed.

Registry to give number to the MAC. Appeal and list for admission in due course.

Meanwhile, copy of the memo of appeal is to be duly furnished to the learned counsel for the respondents.

JUDGE

Comparing Assistant