

GAHC010047272024



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

Case No. : I.A.(Civil)/979/2024

MONUMOI RABHA
W/O LATE HITESWAR RABHA,
VILL.- HATIGAON, P.S.- GOALPARA, DIST.- GOALPARA, ASSAM.

VERSUS

JEHIRUL ISLAM AND 2 ORS.
S/O SRI EYAQULE ALI,
VILL.- NABIN NAGAR, P.O. AND P.S.- BALADMARI, DIST.- GOALPARA,
ASSAM.

2:PYARIMOHAN SARMAH
S/O LATE S.M. SARMAH

VILL.- KALITAPARA
WARD NO. 10
GOALPARA TOWN
P.O. AND P.S.- GOALPARA
ASSAM.

3:THE BRANCH MANAGER
M/S NEW INDIA ASSURANCE CO. LTD. BHANGAGARH
GUWAHATI
ASSAM
PIN- 781005

Advocate for the Petitioner : MR S BORTHAKUR, MR. D GOGOI,MR. P K BORAH,MR
SAURADEEP DEY

Advocate for the Respondent : MR. K K BHATTA (r-3),

Linked Case :

MONUMOI RABHA

VERSUS

JEHIRUL ISLAM AND 2 ORS. E

Advocate for : MR S BORTHAKUR
Advocate for : appearing for JEHIRUL ISLAM AND 2 ORS. E

**BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG**

ORDER

Date : 09-08-2024

Heard Mr. P. H. Konwar, learned counsel appearing on behalf of Mr. S. Borthakur, learned counsel for the applicant. I have also heard Mr. K. K. Bhatta, learned counsel for the respondent no. 3.

The notice upon the respondent no. 1 returned un-served with the comment that the respondent does not live in the said address and the notice upon the respondent no. 2 was duly received.

In view of the above, the notice is treated to have been completed in respect of respondent no. 2. However, no one appears on behalf of respondent no. 2.

This is an application filed under the second proviso of Section 173(1) of the Motor Vehicles Act, 1973 praying for condonation of delay of 28 days in preferring the connected appeal against the judgment and order dated 20.08.2022, passed by the learned Member, MACT No. 3, Kamrup (M), in MAC case no. 3290/2008.

The reason for delay in not preferring the connected appeal within the stipulated time has been explained in para 3 of the condonation petition.

On going through the said paragraph, this Court is satisfied that the applicant has been able to show sufficient cause for not preferring the connected appeal within the stipulated time. Moreover, the learned counsel for the respondent has no objection if the delay of 28 days in preferring the connected appeal is condoned.

In view of the above, the delay of 28 days in preferring the connected appeal is hereby condoned.

With the above, this IA stands disposed of.

The Office shall register the connected appeal, and list it for admission, by reflecting the name of Mr. K.K. Bhatta, as the learned counsel for the respondent No. 3.

JUDGE

Comparing Assistant