

GAHC010051172023



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

Case No. : I.A.(Civil)/2019/2023

ORIENTAL INSURANCE COMPANY LTD.
(A CENTRAL GOVT. UNDERTAKING) HAVING ITS REGIONAL OFFICE AT
GUWAHATI, G.S. ROAD, ULUBARI, GUWAHATI- 781007, REP. BY THE
DEPUTY MANAGER, GAUHATI REGIONAL OFFICE, ULUBARI, GUWAHATI-
781005.

VERSUS

RAMESH HASNU AND 5 ORS.
H/O LATE KONIKA HASNU,
VILL.- WASUBIL, P.O. AND P.S.- DIYUNGMUKEH, DIST.- DIMA HASAO,
ASSAM, PIN- 788819.

2:DEMALU HASNU
S/O LATE KONIKA HASNU
VILL.- WASUBIL
P.O. AND P.S.- DIYUNGMUKEH
DIST.- DIMA HASAO
ASSAM
PIN- 788819.

3:AJAY HASNU
S/O LATE KONIKA HASNU
VILL.- WASUBIL
P.O. AND P.S.- DIYUNGMUKEH
DIST.- DIMA HASAO
ASSAM PIN- 788819.

4:DIMARAJ HASNU
S/O LATE KONIKA HASNU
VILL.- WASUBIL
P.O. AND P.S.- DIYUNGMUKEH
DIST.- DIMA HASAO
ASSAM PIN- 788819.

5:MRIDUL NATH
S/O SUSHIL KR. NATH
VILL.- POHPURI
P.O.- DIGHALDARI
P.S.- RAHA
DIST.- NAGAON
ASSAM PIN- 782103.

6:PRADIP DEY
S/O JAYABRATA DEY
R/O APPOLO ROAD
HAFLONG
P.O. AND P.S.- HAFLONG
DIST.- DIMA HASAO
ASSAM
PIN- 788819. PRESENTLY RESIDING- VILL.- SONTILLA
P.O. AND P.S.- HAFLONG
DIST.- DIMA HASAO
ASSAM PIN- 788819

Advocate for the Petitioner : MS. R D MOZUMDAR, MR. S P SHARMA,MS. C MOZUMDAR

Advocate for the Respondent : MR. J LASKAR (R-5,6), MR. RASHIDUL ISLAM (R-5,6)

Linked Case :

ORIENTAL INSURANCE COMPANY LTD.

VERSUS

RAMESH HASNU AND 5 ORS. H

Advocate for : MS. R D MOZUMDAR

Advocate for : appearing for RAMESH HASNU AND 5 ORS. H

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 16.08.2024

Heard Ms. R. D. Mozumdar, learned counsel for the applicant/appellant.
None appears for the respondents though the office note indicates that service

was completed against the respondent Nos. 1, 2, 3 & 4. Further, though the name of the counsel appearing for the respondent Nos. 5 & 6 is reflected in the cause list, none appears for the respondent Nos. 5 & 6 when the matter is called up.

Accordingly, the instant application is taken up for hearing.

The instant application is filed under Section 173 of the M.V. Act, read with Section 5 of the Limitation Act, seeking condonation of delay of 21 days in filing the accompanying appeal against the judgment passed on 04.11.2022 by the learned Member, Motor Accident Claims Tribunal, Cachar, Silchar in MAC Appeal No. 81/2013.

Ms. R. D. Mazumdar, learned counsel for the applicant submits that the delay occurred for reasons beyond the control of the petitioner, specifically because of the time taken by the Divisional Officer in furnishing legal opinion sought after passing of the judgment dated 04.11.2022.

I have given my prudent consideration to the arguments made by Ms. R. D. Mozumdar and to the grounds averred in the condonation application.

Para Nos. 3, 4, 5, 6 & 7 is reproduced hereunder for ready reference:-

“3. That though the judgment was passed on 04.11.2022 but the dealing counsel provided his legal opinion which was received by the office on 01.12.2022 along with the certified copy of the judgment after 27 days of passing of the judgment. The learned counsel gave the opinion for filing appeal as the quantum of compensation was high.

4. That it is pertinent to mention here that the certified copy of the judgment was applied on 23.11.2022 and it was provided on 05.12.2022 after 12 days.

5. That on receipt of the legal opinion of the counsel by the Divisional Office the

file was prepared in the Divisional Office, Silchar, on 19.01.2023 and thereafter with recommendation to file appeal the file was sent on 23.01.2023 to the Guwahati Regional Office. On receipt of the file in the Guwahati Regional office legal opinion was sought for from High Court counsel on 01.02.2023. The legal opinion was provided on 06.02.2023) Thereafter the file was put up before competent authority for approval for filing appeal on 14.02.2023, the approval was given on the same date and on receipt of approval from the competent authority the file was handed over the counsel on 17.02.2023.

6. That thereafter the counsel took a few days to prepare the file and the appeal was filed on 03.03.2023 on receipt of the cheque for statutory deposit.

7. That in the process delay is of 21 days from the passing of the judgment. In fact from the date of knowledge of the passing of the judgment there is no delay.”

Apparent that due to the delay in receiving the legal opinion, the delay of 21 days occurred. As such, I am of the opinion that the aforesaid explanation given in the application is sufficient and bona-fide. Accordingly, the delay of 21 days stands condoned.

I.A. is accordingly disposed of.

Registry to register the accompanying MAC Appeal.

JUDGE

Comparing Assistant