

GAHC010052162023



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

Case No. : I.A.(Civil)/1971/2023

JELLY SHIRA
W/O JINITHAN SANGMA,
VILL.- BANDARSHI PART III, P.O.- BANDARSHI, P.S.- DUDHNOI, DIST.-
GOALPARA, ASSAM.

VERSUS

THE GENERAL MANAGER AND 2 ORS.
NORTH EAST FRONTIER RAILWAY, MALIGAON, GUWAHATI- 11, ASSAM.

2:DEPUTY CHIEF ENGINEER (CONSTRUCTION)
NORTH EAST FRONTIER RAILWAYS
MALIGAON
GUWAHATI- 11
ASSAM.

3:THE STATE OF ASSAM
REP. BY THE DEPUTY COMMISSIONER CUM COLLECTOR
GOALPARA
DIST. AND P.O.- GOALPARA
ASSAM
PIN- 783101

Advocate for the Petitioner : MR H DAS

Advocate for the Respondent : Mr. KK Bhattacharyya
Government Advocate
Mr. CKS Baruah, CGC
For NF Railway

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 29.05.2024

This is an application under Section 5 of the Limitation Act for condoning the delay of 345 days in preferring the accompanying appeal against the judgment and order dated 21.12.2019 passed in LA (Reference) Case No.16/2013.

2. This Court has taken note of the additional affidavit which has been filed wherein the grounds mentioned, more particularly, at paragraphs 4, 5 and 6 in the opinion of this Court constitute sufficient cause for condoning the delay.

3. Accordingly, the delay stands condoned.

4. In addition to that, this Court also takes note of that in similar matters Appeals have already been filed before this Court against similar orders and as such dismissing the instant application on the ground of delay would not be proper.

5. Accordingly the instant appeal stands allowed.

6. Registry shall register the accompanying appeal and list the matter for admission on such a date, as it deems fit by the Registry.

7. Interlocutory application stands disposed of.

JUDGE

Comparing Assistant