

GAHC010077972022



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

Case No. : I.A.(Civil)/1261/2022

LALZOMAWI HRANGKHOL AND 2 ORS.
W/O LATE SHANGKUN HRANGKHOL
PERMANENT RESIDENT OF
VILLAGE DITOKCHERA BAZAR, PO AND PS HARANGAJAO, DIST DIMA
HASAO, ASSAM 788818
PRESENTLY RESIDING AT VILLAGE DURGACHERRA PUNJEE, PO
DURGACHERRA, PS BORKHOLA, DIST CACHAR, ASSAM 788817

2: ADYET HRANGKHOL
S/O LATE SHANGKUN HRANGKHOL
PERMANENT RESIDENT OF
VILLAGE DITOKCHERA BAZAR
PO AND PS HARANGAJAO
DIST DIMA HASAO
ASSAM 788818
PRESENTLY RESIDING AT VILLAGE DURGACHERRA PUNJEE
PO DURGACHERRA
PS BORKHOLA
DIST CACHAR
ASSAM 788817

3: SMTI RAFA HRANGKHOL
D/O LATE SHANGKUN HRANGKHOL
PERMANENT RESIDENT OF
VILLAGE DITOKCHERA BAZAR
PO AND PS HARANGAJAO
DIST DIMA HASAO
ASSAM 788818
PRESENTLY RESIDING AT VILLAGE DURGACHERRA PUNJEE
PO DURGACHERRA
PS BORKHOLA
DIST CACHAR
ASSAM 788817
TO BE REPRESENTED BY MOTHER AS WELL AS NATURAL GUARDIAN

PET. NO.

VERSUS

XXX

XXX

3:THE DIVISIONAL MANAGER

THE HDFC ERGO GENERAL INSURANCE CO. LTD. MAYUR GARDEN
GROUND FLOOR
OPP. RAJIV BHAWAN
ABC
GS ROAD
GUWAHATI
KAMRUP M ASSAM 78100

Advocate for the Petitioner : MS. S AHMED

Advocate for the Respondent : MR. K K BHATTA (R

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

19.04.2024

Heard the learned counsel Ms. J. Paul appearing for the applicants. Also heard Mr. K.K. Bhatta, learned counsel representing the respondent Insurance Company.

- 2.** This is an application under Section 5 of the Limitation Act praying for condonation of 1247 days of delay in filing the connected MAC appeal.
- 3.** The Insurance Company has filed an objection.
- 4.** I have considered the submissions made by the learned counsel of both sides.
- 5.** On 26.03.2012, a motor accident took place where a person died.

6. The deceased belongs to the district of Dima-Hasao, Assam. There was no Motor Accident Claims Tribunal in the district of Dima-Hasao at that time. Therefore, the petitioners filed a claim petition before the nearest Motor Accident Claims Tribunal situated in the district of Cachar.

7. On 05.09.2016, Motor Accident Claims Tribunal at Cachar held that the said Tribunal did not have the territorial jurisdiction to entertain the claim petition and the same was returned to the claimants accordingly.

8. Thereafter, in the same year the claimants filed a review petition before the same Tribunal at Cachar. On 05.01.2021, the Tribunal at Cachar rejected the review petition on the ground that the Assam Motor Vehicles Rules has no provisions for review of a judgment of the Tribunal.

9. Now, the present appeal has been preferred with a prayer to condone the delay in filing the appeal.

10. I am of the considered opinion that the delay deserves to be condoned because the delay took place not for the intentional fault of the claimants. Therefore, the delay stands condoned.

11. The connected MAC Appeal shall be registered and listed for Admission hearing.

The Interlocutory Application is disposed of.

JUDGE

Comparing Assistant