

GAHC010089072023



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

Case No. : I.A.(Civil)/1229/2023

CHUMILA MUNDA AND ANR.
PERMANENT RESIDENT OF SINGLIJAN TEA ESTATE, P.O. AND P.S.-
LAHOAL, DIST.- DIBRUGARH, ASSAM- 786010.

2: SUSHIL MUNDA @ SUSIL MURA
PERMANENT RESIDENT OF SINGLIJAN TEA ESTATE
P.O. AND P.S.- LAHOAL
DIST.- DIBRUGARH
ASSAM- 786010

VERSUS

PREMANANDA GOGOI AND 2 ORS.
S/O T.R. GOGOI,
VILL.- NOHULA,
P.O.- BAMUNBARI,
P.S.- BORBAM,
DIST.- DIBRUGARH, ASSAM, PIN- 786613.

2: MINU MAYA SAIKIA
W/O LATE HORESWAR MAYA SAIKIA

VILL. AND P.O.- TIPLING BAHODHARI

P.S.- NAHARKATIA

DIST.- DIBRUGARH
ASSAM- 786610.

3: THE NATIONAL INSURANCE COMPANY LIMITED
REP. BY ITS CHIEF REGIONAL MANAGER
REGIONAL OFFICE
G.S. ROAD
BHANGAGARH

GUWAHATI- 781005
DIST.- KAMRUP (METRO)
ASSAM

Advocate for the Petitioner : MR. K R BORA

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

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

05.04.2024

Heard Mr. K.R. Bora, learned counsel appearing for the applicants. Also heard Mr. K.K. Bhatta, learned counsel representing the opposite party Insurance Company.

2. This is an application under Section 5 of the Limitation Act praying for condonation of 939 days of delay in preferring the connected MAC Appeal against the judgment and order dated 11.07.2018 passed by the learned Member, MAC Tribunal No.2, Kamrup (M) at Guwahati in MAC Case No.1692/2014.

3. It has been submitted that the applicants are poor and uneducated persons. According to Mr. Bora, this is the reason why the delay took place.

4. Mr. Bhatta, *per contra*, submitted that the learned counsel Mr. Bora was the engaged counsel for the applicants before the Tribunal. Therefore, he had full knowledge about the delay.

5. After considering the submissions made by the learned counsel of both sides, this Court is of the opinion that the delay is inordinate and the same has not been satisfactorily explained.

6. Therefore, this Court refuses to condone the delay.

7. The prayer for condonation of delay is rejected.

The Interlocutory Application stands disposed.

JUDGE

Comparing Assistant