

GAHC010091672019



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

Case No. : I.A.(Civil)/2301/2019

ORIENTAL INSURANCE COMPANY LIMITED
HAVING ITS REGISTERED OFFICE AT ORIENTAL HOUSE, A-25/27, ASAF ALI
ROAD, NEW DELHI- 110002 AND REGIONAL OFFICE AT GUWAHATI-7, REP.
BY THE REGIONAL MANAGER.

VERSUS

NIRADA DAS AND 5 ORS.
W/O- LATE JAGANNATH DAS

2:DILJIT DAS
S/O- LATE JAGANNATH DAS

3:DEVOJIT DAS
S/O- LATE JAGANNATH DAS

4:JESMITA DAS
D/O- LATE JAGANNATH DAS
RESPONDENT NO. 4 BEING MINOR REP. BY HER MOTHER RESPONDENT
NO. 1
ALL ARE RESIDENT OF VILL.- KALBARI
DHUPGURI
P.S. GOBARDHAUA
DIST.- BAKSA (BTAD)
ASSAM
PIN- 781367

Advocate for the Petitioner : MR SISHIR DUTTA

Advocate for the Respondent : MR. K R BORA

**BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG**

ORDER

Date : 22-03-2024

Heard Mr. S. Dutta, learned counsel for the applicant/Insurance Company.

I have also heard Mr. K.R. Bora, learned counsel for the opposite party Nos. 1, 2, 3 and 4.

This is an application under second proviso of section 173 of the MV Act 1988 read with section 5 of the Indian Limitation Act 1963, praying for condoning the delay of 332 days in filing the connected appeal against the judgment and order dated 23.02.2018, passed by the learned Member MACT, Barpeta in MAC Case No. 724/2015.

The reason for delay in filing the connected appeal has been explain in para 5 of the application.

Mr. K.R. Bora, the learned counsel for the opposite party has filed an affidavit-in-opposition raising objection against the prayer for condonation of delay.

However, Mr. K.R. Bora, learned counsel for the respondent fairly submits that considering the explanation stated in paragraph 5 of the application, he has no objection, if the delay in filing the connected appeal is condoned.

In view of the above, this application for condonation of delay of 332 days is allowed.

Registry to register the connected appeal and list for admission in usual course.

With observations made above, this application stands allowed and

disposed of.

JUDGE

Comparing Assistant