

GAHC010091952019



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

Case No. : I.A.(Civil)/1465/2019

SMT. JNAN PRABHA AGARWAL AND 2 ORS.
W/O- HARINARAYAN AGARWAL,
R/O- HIJUGURI, OPPOSITE NEW TINSUKIA RAILWAY STATION, HIJUGURI,
PIN- 786192, TINSUKIA TOWN, P.O., P.S. AND DIST.- TINSUKIA, ASSAM.

2: MISS NIKITA AGARWAL
D/O- LATE VIVEK KUMAR AGARWAL

R/O- HIJUGURI
OPPOSITE NEW TINSUKIA RAILWAY STATION
HIJUGURI
PIN- 786192
TINSUKIA TOWN
P.O.
P.S. AND DIST.- TINSUKIA
ASSAM.

3: MISS SUNIDHI AGARWAL
D/O- LATE VIVEK KUMAR AGARWAL

R/O- HIJUGURI
OPPOSITE NEW TINSUKIA RAILWAY STATION
HIJUGURI
PIN- 786192
TINSUKIA TOWN
P.O.
P.S. AND DIST.- TINSUKIA
ASSAM

VERSUS

SRI MANOJ KUMAR DUTTA AND 3 ORS
S/O- SRI DIMBESWAR DUTTA,
R/O- BALUGADA (VIKASHPUR), P.O. SUKHAN PUKHARI, PIN- 786146, P.S.

AND DIST.- TINSUKIA, ASSAM.

2:SRI RANJIT CHETIA
S/O- SRI JUGADHAR CHETIA

R/O- CHANGALI GAON
P.O. AND P.S. KAKOPATHAR
PIN- 786152
DIST.- TINSUKIA
ASSAM.

3:THE UNITED INDIA INSURANCE CO. LTD.

DIVISIONAL OFFICE- RONGAGORA ROAD
TINSUKIA TOWN
PIN- 786125
P.O.
P.S. AND DIST.- TINSUKIA
ASSAM.

4:ZENTECH INDIA
C/O- UDAYRAM GOVINDRAM
OPPOSITE NEW TINSUKIA RAILWAY STATION
PIN- 786192
P.O. AND DIST.- TINSUKIA
ASSAM

Advocate for the Petitioner : MR. B K JAIN

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

26.06.2024

Shri BK Jain, learned counsel for the applicants submits that no relief is sought for against the respondent no. 4 and accordingly his name may be struck off from the array of the parties. Since the other respondent nos. 1, 2 and 3 have been served, he submits that the present application may be considered.

Shri Jain, learned counsel, by referring to the averments made in paragraphs 8, 9 and 10 of the petition has submitted that the applicants were presented by sufficient reasons for not being able to prefer the review on time and a delay of 202 days has occasioned. It is submitted that the aforesaid delay is not because of any negligence or intentional and therefore, the delay is required to be condoned.

After hearing the learned counsel and taking into account the settled principles to be followed while adjudicating a petition for condonation of delay namely, to have a pragmatic and justice oriented approach, the delay of 202 day in preferring the connected review petition is condoned and the present application filed under Section 5 of the Limitation Act is allowed.

JUDGE

Comparing Assistant