

GAHC010092662023



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

Case No. : I.A.(Civil)/1151/2023

BHARAT BASUMATARY
S/O DEEP BASUMATARY,
VILL.- RADHALA,
P.S.- CHANGSARI, DIST.- KAMRUP, ASSAM.

VERSUS

MD REKIBUL CHOUDHURY AND 2 ORS.
S/O UMAR ALI,
VILL.- PUB-CHECHAMUKH,
P.S.- HAJO,
P.O.- PACHARIYA,
DIST.- KAMRUP, ASSAM, PIN- 787031.

2:SACHAIN CH DAS
S/O LATE GERARAM DAS

VILL.- MANAKUCHI

P.S.- HAJO

P.O.- MONAKUCHI
DIST.- KAMRUP
ASSAM- 781381.

3:THE REGIONAL MANAGER
M/S NEW INDIA ASSURANCE CO. LTD.
G.S. ROAD
RELIANCE TREND BUILDING

LACHITNAGAR
P.O.- ULUBARI

GUWAHATI- 7
ASSAM

Advocate for the Petitioner : MR K BHATTACHARJEE

Advocate for the Respondent : MR S DUTTA (R-3)

Linked Case : MAC App. No. 4846 of 2023

SRI BHARAT BASUMATARY

VERSUS

MD REKIBUL CHOUDHURY AND 2 ORS. E

Advocate for : MR K BHATTACHARJEE
Advocate for : appearing for MD REKIBUL CHOUDHURY AND 2 ORS. E

BEFORE
HONOURABLE MR. JUSTICE K. SEMA

ORDER

Date : 22.04.2024

Heard Mr. K. Bhattacharjee, learned counsel for the applicant and Ms. M. Choudhury, learned counsel appearing for the respondent No.3.

Seen the office note dated 16.10.2023. The notice upon respondent Nos. 1 and 2 is deemed served.

The present application has been filed u/s 5 of the Limitation Act, 1963 read with the proviso to Section 173(1) of the Motor Vehicle Act, 1988 for condoning the delay of 170 days in preferring the appeal against the judgment

and award dated 05.08.2022 passed by the learned Member, Motor Accident Claims Tribunal No. 3, Guwahati in MAC Case No. 350/2018.

The delay of 170 days has been explained in paragraph 2 of the application.

This Court has perused the application seeking for condonation of delay and satisfied that the applicant has satisfactorily explained the delay.

Ms. M. Choudhury, learned counsel for the respondent No. 3 has no objection to the application seeking for condoning the delay of 170 days.

In view of the submissions made by the learned counsel for the parties, the delay of 170 days in preferring the appeal against the judgment and award dated 05.08.2022 passed by the learned Member, Motor Accident Claims Tribunal No. 3, Guwahati in MAC Case No. 350/2018 is condoned.

Registry is directed to register the appeal.

The name of Ms. M. Choudhury shall be reflected as counsel for the respondent No. 3 in the cause list.

The application stands disposed.

JUDGE

Comparing Assistant