

GAHC010100852024



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

Case No. : I.A.(Civil)/1534/2024

NEW INDIA ASSURANCE COMPANY LTD
HAVING ITS REGISTERED OFFICE AT NEW INDIA ASSURANCE BUILDING
87 MAHATMA GANDHI ROAD, MUMBAI AND ONE OF THE REGIONAL
OFFICE AT G.S. ROAD, ABC, GUWAHATI AND ONE OF ITS DIVISIONAL
OFFICE AT BONGAIGAON.

VERSUS

NOWSAD ALI and 4 ORS
S/O LATE MOZIBAR RAHMAN, R/O VILL. CHIRAKHOWA PART-II, P.S.
FAKIRGANJ, DIST. DHUBRI, ASSAM, PIN

2:NATIONAL INSURANCE CO. LTD.

REGD. OFFICE -3 MIDDLETON STREET
POST BOX NO. 700071 AND ONE OF THE REGIONAL OFFICE AT G.S. ROAD
BHANGAGARH
GUWAHATI.

3:GHARA SINGH
S/O SRI KAKA SINGH
R/O VILL SATYAM CAMP
R.S. PURA
J and K
P.S. R.S. PURA
JAMMU
PIN-

4:KAKA SINGH
S/O SUJAN SINGH
R/O VILL. SATYAM CAMP
R.S. PURA

J and K
P.S. R.S. PURA JAMMU
PIN-

5:JOYNAL ABEDIN
R/O JHALER ALGA PART-I
P.O. and P.S. GAURIPUR
DIST. DHUBRI
ASSAM
PIN

Advocate for the Petitioner : MR. A SAIKIA

Advocate for the Respondent : MR. T SK

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

27.05.2024

Heard Mr. R K Bhatra, learned counsel for the applicant as well as Ms. M Saikia, learned counsel for the respondent no. 2 and Mr. T. Sk., learned counsel for the respondent no. 5.

Before filing of the connected MAC Appeal No. 575/2017, the appellant filed a petition under section 5 of the Limitation Act praying for condonation of delay in preferring the appeal. In that case, the present respondent no. 3 and the respondent no. 4, who are the owner and driver of the offended vehicle, were struck off from the said petition under section 5 of the Limitation Act. It is submitted that the name of the respondent no. 3 and respondent no. 4 were directed to be struck off from the connected MAC Appeal inadvertently. Mr. Bhatra has now submitted that these two persons are necessary parties to be heard in the connected MAC Appeal. Therefore, their names should be restored in the connected appeal.

After hearing the learned counsel for both the parties, prayer is allowed. Names of respondent no. 3 and respondent no. 4 shall be restored in the title page of the connected MAC Appeal No. 575/2017.

With the above, the IA(C) stands disposed of.

JUDGE

Comparing Assistant