

GAHC010103612019



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

Case No. : I.A.(Civil)/2702/2019

UNION OF INDIA AND 2 ORS.
REP. BY THE MINISTRY OF HOME AFFAIRS, NORTH BLOCK, NEW DELHI-
110001.

2: THE DEPUTY INSPECTOR GENERAL
BORDER SECURITY FORCE
TAC SECTOR H.Q.
B.S.F.
BHILAI (CG)
PIN- 490006.

3: THE COMMANDANT
22BN B.S.F.

NAYA BAIPUR
CHHATTISGARH- 492101

VERSUS

MR. KHUSHBUDDIN AHMED AND ANR
S/O- MR. S.M. BHOLA, R/O- BELTOLA, GUWAHATI- 781028, DIST.- KAMRUP,
ASSAM AND PERMANENT ADDRESS- 106 B.T. ROAD, P.O. BARRANAGAR,
KOLKATA, WEST BENGAL- 700035. (OWNER AND DRIVER OF THE
OFFENDING VEHICLE BEARING REGISTRATION NO. WB-33A-0487).

2: THE DIVISIONAL MANAGER
UNITED INDIA INSURANCE COMPANY LTD.

DIVISIONAL OFFICE NO. 4
22ND BRABOURNE ROAD
KOLKATA
WEST BENGAL- 700001. (POLICY NO. 030400311010000936849)

Advocate for the Petitioner : MR. K K PARASAR

Advocate for the Respondent :

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

01.04.2024

Heard Mr. K.K. Parasar, learned counsel appearing for the applicants as well as Mr. A.R. Das, learned counsel representing Respondent No.2.

2. Mr. Parasar submits that before the Tribunal, the Respondent No.1 did not contest the case and the proceeding was conducted *ex parte* against him.

3. Mr. Parasar, further submits that he got the notice published in two newspapers and has already filed an affidavit to that effect.

4. The affidavit filed by Mr. Parasar is not available with the record.

5. However, this Court is of the opinion that since the Respondent No.1 did not contest before the Tribunal, he need not be heard in this case also.

6. Therefore, the appeal shall be heard without the presence of the Respondent no.1.

7. This is an application under Section 5 of the Limitation Act praying for condonation of 59 days of delay in preferring the connected appeal.

8. Mr. Das has fairly submitted that he has no objection if the delay is condoned.

9. Accordingly, the delay stands condoned.

10. The connected MAC Appeal shall be registered and listed for Admission hearing.

JUDGE

Comparing Assistant