

GAHC010118372023



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

Case No. : I.A.(Civil)/2035/2023

CHOLAMANDALAM MS GENERAL INSURANCE COMPANY LTD.
HAVING ITS REGISTERED OFFICE AND HEAD OFFICE AT DARE HOUSE,
2ND FLOOR, NO. 2 N.S.C BOSE ROAD, CHENNAI, 60001 AND ITS BRANCH
OFFICE AT AASTHA PLAZA, 4TH FLOOR, OPP. TO S.B DEORAH COLLEGE,
G.S ROAD,GUWAHATI

VERSUS

JUTHIKA DAS AND 3 ORS.
D/O LATE GITA HIRA DAS,
RESIDENT OF VILLAGE ANANDA NAGAR, WARD NO. 7, MANGALDAI,
DIST DARRANG, ASSAM 784125

2:SRI NILAM JYOTI DAS

S/O LATE GITA HIRA DAS

RESIDENT OF VILLAGE ANANDA NAGAR
WARD NO. 7
MANGALDAI
DIST DARRANG
ASSAM 784125

3:MISS BEETHIKA DAS
D/O LATE GITA HIRA DAS

RESIDENT OF VILLAGE ANANDA NAGAR
WARD NO. 7
MANGALDAI
DIST DARRANG
ASSAM 784125

4:SRI GANESH BORO
S/O LATE BAKARA BORO
RESIDENT OF VILLAGE BORIGAON
NO. 2
BORIGAON
PSMANGALDOI
DIST. DARRANG
ASSAM
78412

Advocate for the Petitioner : MS. P BORTHAKUR

Advocate for the Respondent : MR D MONDAL

Linked Case :

CHOLAMANDALAM MS GENERAL INSURANCE COMPANY LTD.

VERSUS

JUTHIKA DAS AND 3 ORS. H

Advocate for : MS. P BORTHAKUR
Advocate for : appearing for JUTHIKA DAS AND 3 ORS. H

BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 04-03-2024

Heard Ms. M. Saikia, learned counsel for the applicant. I have also heard Mr. D. Mondal, learned counsel for the respondent nos. 1, 2 and 3.

This is an application under section 5 of the Limitation Act, 1963 read

with proviso to section 173 of the MV Act, 1988 praying for condonation of delay of 319 days in preferring the connected appeal. The reason for delay in filing the connected appeal has been explained in para 2 of the application. The applicant has been able to satisfy that the applicant was prevented by a sufficient cause from preferring the connected appeal within the period of limitation. Moreover, the learned counsel for the respondents has no objection in condoning the delay of 319 days in filing the appeal.

In view of the above, the delay of 319 days in filing the connected appeal is hereby condoned. The Registry shall register the appeal and list it for admission hearing in due course by reflecting the name of Mr. D. Mondal, as the learned counsel for respondent nos. 1 to 3.

With the above, this I.A. stands allowed and disposed of.

JUDGE

Comparing Assistant