

GAHC010119942019



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

Case No. : I.A.(Civil)/1821/2019

JAGADISH BRAHMA AND ANR
S/O- THEMON BRAHMA, R/O- VILL.- MOKHNAGURI, P.O. KOLIAGOAN, P.S.
BIJNI, DIST.- CHIRANG, BTAD, ASSAM.

2: MUKUKSAR BRAHMA
THE CLAIMANT BEING MINOR REP. BY THE CLAIMANT NO. 1
S/O- JAGADISH BRAHMA
R/O- VILL.- MOKHNAGURI
P.O. KOLIAGOAN
P.S. BIJNI
DIST.- CHIRANG
BTAD
ASSAM

VERSUS

THE DIVISIONAL MANAGER, ORIENTAL INSURANCE COMPANY LTD AND
4 ORS
BONGAIGAON. (INSURER OF THE VEHICLE NO. AS-19-C-2040- SONALIKA
TRACTOR).

2: RUPALI ATTMA SAHAYA GROUP
C/O- AHAT ALI
(OWNER OF THE VEHICLE NO. AS-19-C-2040- SONALIKA TRACTOR).

3: MD. RAFIUL ISLAM
S/O- MD. JALAL UDDIN SK. (DRIVER OF THE VEHICLE NO. AS-19-C-2040-
SONALIKA TRACTOR).

4: THE DIVISIONAL MANAGER

UNITED INDIA INSURANCE CO. LTD.
BONGAIGAON. (INSURER OF THE VEHICLE AS-19-C-8726- MOTOR
CYCLE).

5:DERHASHAT BASUMATARY
S/O- ORGA BASUMATARY. (RIDER OF THE VEHICLE NO. AS-19-C-8726-
MOTOR CYCLE)

Advocate for the Petitioner : MR. S C BISWAS

Advocate for the Respondent : MR. J KALITA (R-1)

Linked Case :

JAGADISH BRAHMA AND ANR

VERSUS

THE DIVISIONAL MANAGER ORIENTAL INSURANCE COMPANY LTD AND 4
ORS

Advocate for :

Advocate for : appearing for THE DIVISIONAL MANAGER ORIENTAL
INSURANCE COMPANY LTD AND 4 ORS

BEFORE
HONOURABLE MRS. JUSTICE MARLI VANKUNG

ORDER

Date : 11-03-2024

Heard Mr. S.C. Biswas, learned counsel for the applicant/appellant
along with Mr. R.C. Paul, learned counsel for respondent No.4 and Ms. D.
Dutta appearing on behalf of her senior Mr. J. Kalita, learned counsel for

respondent No.1.

It is also seen that A/D card upon respondent Nos. 2 & 3 is not returned, however Mr. S.C. Biswas, learned counsel for the applicant submits that the respondent Nos. 2 & 3 are only proforma respondents.

This is an application filed under Section 5 of the Limitation Act for condoning the delay of 15 days delay in filing the connected MAC Appeal No.3729/2019 dated 16.11.2018 in MAC Case No. 37/2015 passed by the learned MACT, Bongaigaon.

The learned counsels for both the parties submit that the instant I.A. may be disposed of since the learned counsels for respondents will not be filing any written objection, considering the less numbers of day for which the instant condonation application is filed, which is only 15 days.

Mr. S.C. Biswas, learned counsel for the applicant submits that the delay in filing the instant connected appeal has been explained in the para 3 of the application.

On perusal of the explanation given in para 3, this court finds that sufficient cause has been established for the condonation of delay of 15 days in filing the connected appeal.

In view of the above, considering the less number of days for which the condonation has been prayed for the same is hereby condoned. The I.A. No.1821/2019 stands allowed and disposed of.

Registry to register and number the connected appeal and list the same for admission hearing **after 2 (two) week.**

Meanwhile, the memo of appeal is to be duly furnished to the learned counsels for the respondents.

JUDGE

Comparing Assistant