

GAHC010123422022



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

Case No. : I.A.(Civil)/1976/2022

THE NEW INDIA ASSURANCE CO. LTD.
HAVING ITS REGISTERED OFFICE AND HEAD OFFICE AT NEW INDIA
ASSURANCE BUILDING, 87, MAHATMA GANDHI ROAD, FORT MUMBAI
400001 AND REGIONAL OFFICE AT GUWAHATI 5

VERSUS

SUNITA AGARWAL AND 2 ORS.
W/O SRI SHIVA AGARWAL,
RESIDENT OF MAKUM ROAD, PO, PS AND DIST TINSUKIA, ASSAM 786125

2:SRI UMAKANTA SINGH
S/O SRI BISHWANATH SINGH

RESIDENT OF NEW RAILWAY STATION
A.T ROAD
HIJUGURI
PO
PS AND DIST TINSUKIA
ASSAM 786125

3:SRI KIRPAL SINGH
S/O HARPAL SINGH
RESIDENT OF NEW RAILWAY STATION
A.T ROAD
HIJUGURI
PO
PS AND DIST TINSUKIA
ASSAM 78612

Advocate for the Petitioner : MR SISHIR DUTTA

Advocate for the Respondent : MR. M A I HUSSAIN (r-1)

Linked Case :

THE NEW INDIA ASSURANCE CO. LTD.

VERSUS

SUNITA AGARWAL AND 2 ORS. H

Advocate for : MR S DUTTA
Advocate for : appearing for SUNITA AGARWAL AND 2 ORS. H

Linked Case :

THE NEW INDIA ASSURANCE CO. LTD.

VERSUS

SUNITA AGARWAL AND 2 ORS. H

Advocate for : MR S DUTTA
Advocate for : appearing for SUNITA AGARWAL AND 2 ORS. H

**BEFORE
HONOURABLE MRS. JUSTICE MARLI VANKUNG**

ORDER

Date : 29.05.2024

Heard Ms. M. Choudhury, learned counsel for the applicant along with Mr. M. A. I. Hussain, learned counsel for the respondent No.1.

Learned counsel for the applicant submits that names of the respondents No. 2 and 3 may be struck of and since the instant appeal is with regard to the quantum of the award.

Accordingly, names of respondents No. 2 and 3 may be struck of. The instant I.A. is for condonation of delay of 4 days, which is not objected by the learned counsel for the respondent.

The learned counsel for the applicant submits that the reason for the delay of 4 days in filing the instant appeal against the judgment and order dated 11.12.2017 and the order dated 10.12.2021 in MAC Case No. 76/2001 and review case no. 03/3018 respectively passed by the Learned Member, Motor Vehicle Claims Tribunal, Tinsukia, has been explained at paragraph-4 of the application.

Having heard the submission of the learned counsel for both the parties, this Court is satisfied with the explanation given for the delay of 4 days in filing the appeal, which is explained at paragraph-4 of the application. The instant I.A. stands allowed and disposed of.

On the disposal for the I.A., the Registry to give registration number to the appeal petition. Copy of the appeal memo to be duly furnished to the learned counsel for the respondent.

List the matter for admission after 3(three) weeks.

The name of Mr. M. A. I. Hussian, learned counsel for the respondent No.1

is to be reflected in the case list.

JUDGE

Comparing Assistant