

GAHC010124212023



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

Case No. : I.A.(Civil)/1730/2023

ORIENTAL INSURANCE COMPANY LTD.
HAVING ITS REGISTERED OFFICE AT ORIENTAL HOUSE, A-25/27, ASAF ALI
ROAD, A 25/27 ASAF ALI ROAD, NEW DELHI 110002 AND REGIONAL
OFFICE AT GUWAHATI 7, REPRESENTED BY THE REGIONAL MANAGER

VERSUS

HAMIDA BIBI AND 7 ORS.
W/O LATE ABDUS SAMAD VILLAGE NO. BHANDARA, PO BHANDARA
BAZAR. PS MANIKPUR, DIST. BONGAIGAON, ASSAM

2:NASER ALI
S/O LATE ABDUS SAMAD VILLAGE NO. BHANDARA
PO BHANDARA BAZAR. PS MANIKPUR
DIST. BONGAIGAON
ASSAM

3:HASEN ALI
S/O LATE ABDUS SAMAD VILLAGE NO. 4 BHANDARA
PO BHANDARA BAZAR. PS MANIKPUR
DIST. BONGAIGAON
ASSAM

4:AMJAD ALI
S/O AHER ALI VILLAGE NO. BHANDARA
PO BHANDARA BAZAR. PS MANIKPUR
DIST. BONGAIGAON
ASSAM

5:ASHIRUDDIN AHMED
S/O MD. ABDUL REZZAK
RESIDENT OF VILLAGE DOLAIGAON

PO
PS AND DIST BONGAIGAON
ASSAM

6:THE UNIVERSAL SOMPO GENERAL INSURANCE CO. LTD.
UNIT NO. 1
COM B 1ST FLOOR
ADAMS PLAZA
GS ROAD
CHRISTIAN BASTI
BONGAIGAON
ASSAM

7:SHRI. NARAYAN PAL
S/O R. PAL RESIDENT OF B/28
HARIDARSHAN SOCIETY
NAVA VASTRAL
R.T.O ROAD
VASTRAL AHMEDABAD
380027

8:SRI NARAYAN R. BAGHEL
S/O RAMSEWAK RESIDENT OF B/28
HARIDARSHAN SOCIETY
NAVA VASTRAL
R.T.O ROAD
VASTRAL AHMEDABAD
38002

Advocate for the Petitioner : MR. S DUTTA

Advocate for the Respondent : MR. R GOSWAMI (r-6)

Linked Case :

ORIENTAL INSURANCE COMPANY LTD.

VERSUS

HAMIDA BIBI AND 7 ORS. A

Advocate for : MR. S DUTTA
Advocate for : appearing for HAMIDA BIBI AND 7 ORS. A

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

Date : 30.01.2024

Heard Mr. S. Dutta, learned counsel for the applicant. Also heard Mr. M. Khan, learned counsel for the respondent Nos. 1 to 3 and Mr. K.R. Patgiri, learned counsel for the respondent Nos. 4 and 5.

None appears for the respondent No. 6. Regarding the respondent Nos. 7 and 8, no A/D card or un-served notice has been received.

The present application has been filed under Section 5 of the Limitation Act, 1963 for condonation of delay of 19 days in preferring the connected appeal against the judgment and order dated 06.02.2023 passed by the learned Member, MACT, Bongaigaon, in MAC Case No. 125/2018.

Mr. Dutta, learned counsel for the applicant submits that the delay occurred in filing the connected appeal is not intentional. He further submits that detailed ground of delay has been explained in the petition.

It has further submitted by the learned counsel for the applicant that respondent Nos. 7 and 8 are not required to be heard in the proceeding of this case as they are the owner and driver of the offending vehicle. Therefore, their names should be struck off from the array of the respondents.

I have considered the submissions made by the learned counsel for the parties.

The delay has been satisfactorily explained by the applicant and also the learned counsel for the respondent Nos. 1 to 5 did not raise any objection regarding the prayer of the applicant.

Considering all, the delay of 19 days is condoned and the names of the respondent Nos. 7 and 8 are struck off from array of the respondents in cause title of the appeal at the risk of the applicant.

The Registry is directed to do the needful and shall register the connected appeal and list it in admission column.

With the above observation, I/A stands disposed of.

JUDGE

Comparing Assistant