

GAHC010140102018



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

Case No. : I.A.(Civil)/2337/2018

M/S BAJAJ ALLIANZ GENERAL INSURANCE COMPANY LIMITED
HAVING ITS REGISTERED OFFICE AND HEAD OFFICE AT GE PLAZA
AIRPORT ROAD NERADA PUNE, 411006 AND NORTH EASTERN REGIONAL
OFFICE AT SREEJI TOWER, 2ND FLOOR, C/GAUHATI TEA WARE HOUSING
PVT. LTD. ADJACENT TO MAHINDRA SHOWROOM, CHRISTAIN BASTI ,
GUWAHATI 781005, KAMRUP M DISTRICT ASSAM (REPRESENTED BY ITS
SENIOR LEGAL EXECUTIVE CLAIMS DEPARTMENT ,MS. ODYSSEY
BORDOLOI, AGE 27 YEARS

VERSUS

SMTI MINA JABISAW AND ORS
D/O LATE SAMLU JABISAW VILLAGE LOWER BHALUKPUNG PO AND PS
BHALUKPUNG, PIN 790114 DIST WEST KAMENG, ARUNACHAL PRADESH

2:SRI MINGNOR JABISAW
S/O LATE SAMLU JABISAW
VILLAGE LOWER BHALUKPUNG
PO AND PS BHALUKPUNG
PIN 790114
DIST WEST KAMENG
ARUNACHAL PRADESH

3:SRI JIBAN BORA
S/O MUKUNDA BORA
RESIDENT OF K B ROAD
PO AND PS NORTH LAKHIMPUR
787031
DIST LAKHIMPUR
ASSAM
OWNER OF VEHICLE NO. AS-07-B-6747

4:SRI ARUN BARMAN
S/O LATE CHAW BARMAN
RESIDENT OF K B ROAD
PO AND PS NORTH LAKHIMPUR 787031
DIST LAKHIMPUR
ASSAM
DRIVER OF VEHICLE NO. AS-07-B-674

Advocate for the Petitioner : MR. P HAZARIKA

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 22-03-2024

Heard Mr. P. Hazarika, learned counsel for the applicant/Insurance Company.

As per office note dated 02.11.2019, the notice upon the respondent Nos. 1 and 2 are shown to have been served and in the order dated 30.08.2023, it is reflected that the service upon the respondent No. 3 has been received by his wife.

In view of the above, the notice is treated to be completed in respect of respondent No. 3.

The learned counsel for the applicant submits that the respondent No. 4 is the driver of the vehicle and hence, he is not a necessary party for the propose of disposal of this case and prays for striking out the name of respondent No. 4 from the cause title of the memo of appeal.

Prayer is allowed.

Accordingly, the name of respondent No. 4 be struck off from the cause

title of the memo of appeal at the risk of the appellant.

None appears on behalf of respondent Nos. 1, 2 and 3, although notice was duly been received by them.

This is an application under section 5 of the Indian Limitation Act, for condoning the delay of 129 day in filing the connected appeal.

The reason for the delay in filing the connected appeal has been explained in Para 2 and 3 of the application. Despite of the receipt of notice, the respondents has not appeared, it is presumed that they have no objection to the condonation of delay of 129 days in filing the connected appeal is condoned.

Upon perusal of the grounds for delay stated in the paragraph 2 and 3 of the application, this Court is satisfied that there is a sufficient cause for not filing the connected appeal within a stipulated period of time.

In view of the above, this application for codonation of delay of 129 days is allowed. The I.A. stands disposed of

Since the appeal has already been registered, list the same for admission hearing in due course.

JUDGE

Comparing Assistant