

GAHC010140552023



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

Case No. : I.A.(Civil)/1936/2023

ROBIN RUBUL BAYAN @ ROBINO RUBUL BAYAN
S/O LATE DHANANJAY BAYAN,
RESIDENT OF PO VIP, BORJHAR, PS AZARA, DIST. KAMRUP(M), ASSAM

VERSUS

HDFC ERGO GENERAL INS. CO. LTD. AND 2 ORS.
MAYUR GARDEN, ABC GS ROAD, PO GUWAHATI, 781005, DIST KAMRUP
ASSAM

2:TRIMURTI ENTERPRISE
REPRESENTED BY HARI DAYAL SINGH

JYOTIKUCHI SRIMANTA SANKAR PATH
HOUSE NO. 6. GUWAHATI 781034
DIST KAMRUP M ASSAM

3:MD. JAHIDUL ISLAM
S/O KORBAN ALI
VILLAGE OUDUBI PART I
PO KHELUAPARA
BOITAMARI
DIST BONGAIGAON
ASSAM 78337

Advocate for the Petitioner : MR. A R AGARWALA

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

**BEFORE
HONOURABLE MRS. JUSTICE MARLI VANKUNG**

ORDER

Date : 29.05.2024

Heard Mr. A.R. Agarwala, learned counsel for the applicant along with Ms. M. Saikia, learned counsel for the respondent No. 1.

It is seen from the office note dated 05.04.2024 that notice upon respondent No. 2 could not be served due to insufficient address and the A/D Card in respect of respondent No. 3 is still awaited.

The learned counsel for the applicant submits that the name of respondent Nos. 2 & 3 may be struck off since the appeal is in regard to the quantum of the award made by the Tribunal.

The instant application has been filed under Section 5 of the Limitation Act, 1963 praying for condonation of delay of 13 days in filing the appeal against the impugned judgment and order dated 09.03.2023 passed by the learned Member, MACT, Kamrup, Amingaon in MAC Case No. 10/2019.

The learned counsel for the applicant submits that the reasons for the delay in filing the instant appeal against the judgment and order dated 09.03.2023 passed by the learned Member, MACT, Kamrup, Amingaon in MAC Case No. 10/2019 has been explained in paragraphs 3 & 4 of the application.

Ms. Saikia, learned counsel for the respondent No. 1 submits that they have no objection if the delay of 13 days is condoned as prayed for.

In view of above, considering the submissions of the learned counsel appearing for both the parties and on perusal of the explanation given in paragraphs 3 & 4 of the application, this Court finds that the delay of 13 days in filing the appeal has been

explained satisfactorily and there is no laches and negligence on the part of the applicant.

Accordingly, the petition is allowed and the delay is condoned.

Registry to register the appeal for admission.

JUDGE

Comparing Assistant