

GAHC010144442023



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

Case No. : I.A.(Civil)/1888/2023

NATIONAL INSURANCE COMPANY LTD
HAVING ITS REGISTERED OFFICE AND HEAD OFFICE AT 3, MIDDLETON
STREET, KOLKATA AND ITS REGIONAL OFFICE AT BHANGAGARH, GS
ROAD, GUWAHATI 781005, REPRESENTED BY THE CHIEF REGIONAL
MANAGER, GUWAHATI REGIONAL OFFICE

VERSUS

JEUTI MALAKAR AND 3 ORS
W/O LATE ASHOK MALAKAR, RESIDENT OF VILLAGE KULHATI PS HAJO,
DIST KAMRUP, ASSAM 781104

2:MISS TANUSHRI MALAKAR
D/O LATE ASHOK MALAKAR
RESIDENT OF VILLAGE KULHATI PS HAJO
DIST KAMRUP
ASSAM 781104
TO BE REP. BY. RES. NO. 1

3:SRI NIBARAN THAKURIA
S/O DHANIRAM THAKURIA
RESIDENT OF VILLAGE SANDHELI
MAKRAPARA
PS AND DIST NALBARI
ASSAM 781353

4:SRI PAPUL DAS

S/O DANDI DAS

RESIDENT OF ARIKUCHI
PS AND DIST NALBARI

ASSAM 78133

Advocate for the Petitioner : MR T KALITA, MR. A KAKATI

Advocate for the Respondent : MR. S RAHMAN (r-1,2), K BORO(R-3),MS J BARMAN(R-3),MR N BARMAN(R-3),MR A N IQBAL (r-1,2)

**BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG**

ORDER

Date : 25-09-2024

- 1.** Heard Mr. T. Kalita, the learned counsel for the applicant. Also heard Mr. A. Iqbal, the learned counsel for respondent Nos. 1 & 2 and Ms. K. Bora, learned counsel appearing on behalf of respondent No. 3.
- 2.** This is an application under Section 5 of the Indian Limitation Act, 1963, read with Section 173 of the M.V. Act for condoning delay of 111 days in filing the connected MAC Appeal.
- 3.** The ground for delay in not preferring the connected appeal on time has been explained in Para 4, 5, 6, 7 & 8 of the condonation petition.
- 4.** Upon hearing the learned counsel for the parties and on perusal of the averment made in the said paragraphs of the condonation petition, this Court is satisfied that the applicant has been able to show sufficient cause for not preferring the connected appeal within the stipulated time. Moreover, the learned counsel for the respondent has no objection in condoning the delay.
- 4.** In view of the above, the delay of 111 days in preferring the connected appeal is hereby condoned.
- 5.** The Registry is directed to number the connected appeal and place for

admission on the day to be fixed by the Registry by showing the names of Mr. A. Iqbal as learned counsel for respondent Nos. 1 & 2 and Ms. S. Bora, the learned counsel for respondent No. 3 in the Cause List.

6. With the above, the IA stands disposed of.

JUDGE

Comparing Assistant