

GAHC010145992023



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

Case No. : I.A.(Civil)/2157/2023

ORIENTAL INSURANCE COMPANY LTD.
(A CENTRAL GOVT. UNDERTAKING) HAVING ITS REGIONAL OFFICE AT
GUWAHATI, G.S. ROAD, ULUBARI, GUWAHATI- 781007, REP. BY THE
DEPUTY MANAGER, GAUHATI REGIONAL OFFICE, ULUBARI, GUWAHATI-
781005.

VERSUS

PORISHMITA CHUTIA BORPATRA GOHAIN @ POPISMITA CHUTIA
BORPATRA GOHAIN AND 6 ORS.
W/O LATE SAMIRAN BORPATRA GOHAIN,
VILL.- KANJIKHOBHA,
P.O.- KANJIKHOWA, P.S.- CHABUA, DIST.- DIBRUGARH, ASSAM, PIN-
786183.

2:CHIRANJIB BORPATRA GOHAIN
B/O LATE SAMIRAN BORPATRA GOHAIN

VILL.- KANJIKHOBHA

P.O.- KANJIKHOWA
P.S.- CHABUA
DIST.- DIBRUGARH
ASSAM
PIN- 786183.

3:JATIN BORPATRA GOHAIN
F/O LATE SAMIRAN BORPATRA GOHAIN

VILL.- KANJIKHOBHA

P.O.- KANJIKHOWA

P.S.- CHABUA
DIST.- DIBRUGARH
ASSAM
PIN- 786183.

4:BOBITA BORPATRA GOHAIN
M/O LATE SAMIRAN BORPATRA GOHAIN

VILL.- KANJIKHOB

P.O.- KANJIKHOWA
P.S.- CHABUA
DIST.- DIBRUGARH
ASSAM
PIN- 786183.

5:JITUL ALI
S/O SONA ALI

C/O A. RAHMAN

R/O ADHIYAPARA

P.O.- SONIADI
P.S.- HAJO

DIST.- KAMRUP
ASSAM
PIN- 781102.

6:MAMINUR RAHMAN
S/O LATE ABDUL ALI

R/O CHENGA
MUSALMAN GAON
P.O.- CHENGA
P.S.- TARABARI
DIST.- BARPETA
ASSAM
PIN- 781305.

7:ELIYAS ALI
S/O LATE MAMIR ALI

R/O BAMUNBARI
NALBARI
P.O. AND P.S.- NALBARI
DIST.- NALBARI

ASSAM
PIN- 781312

Advocate for the Petitioner : MS. R D MOZUMDAR

Advocate for the Respondent : MR. N. DEBNATH

Linked Case :

ORIENTAL INSURANCE COMPANY LTD.

VERSUS

PORISHMITA CHUTIA BORPATRA GOHAIN @ POPISMITA CHUTIA
BORPATRA GOHAIN AND 6 ORS. A

Advocate for : MS. R D MOZUMDAR
Advocate for : appearing for PORISHMITA CHUTIA BORPATRA GOHAIN @
POPISMITA CHUTIA BORPATRA GOHAIN AND 6 ORS. A

BEFORE
HONOURABLE MRS. JUSTICE MARLI VANKUNG

ORDER

Date : 27.05.2024

Heard Ms. R. D. Mozumdar, learned counsel for the applicant along with Mr. N. Debnath, learned counsel for the respondent Nos. 1, 2, 3 and 4.

None appeared for the respondent No.5, 6 and 7.

It is seen that Office note dated 23.04.2024, shows that A/D card or unserved notice upon respondent Nos. 5 and 7 is not returned till date, while A/D

card of respondent No.6 has arrived bearing the signature of the mother of respondent No.6.

In view of the above, notice is deemed to be served upon respondent No.6. It is also seen that more than 1(one) month has lapsed since notice was issued to respondents No. 5 and 7.

This Court find it fit to hear and dispose of the instant application filed under Section 173 of the M. V. Act read with Section 5 of the Indian Limitation Act, 1963, for the condonation of delay of 87 days in filing the instant appeal against the judgment and order dated 31.12.2022 by the Learned Member, Motor Accident Claims Tribunal No.2, Kamrup (Metro), Guwahati in M.A.C Case No. 1004/2019.

The learned counsel for the respondent Nos. 1 to 4 submits that they will not be filing any written objection against the application for condonation of delay.

Ms. R. D. Mozumdar, learned counsel for the applicant submits the reasons for the delay has highlighted in paragraph 3 to 7 of the application, which shows that the delay was not due to any negligence or laches on the part of the applicant, but mainly due to the usual office procedures, which had to be followed for which the appeal could not be filed within time.

I have heard the submissions made by the learned counsel for the applicant and have considered the fact that the counsel for respondent Nos. 1 to 4 has preferred not to file any written objection.

On perusal, this Court is satisfied with the explanation, highlighted in the application at paragraph No. 3 to 7.

This Court finds that the delay was not due to any negligence or laches on the part of the applicant and accordingly the application for condoning the

delay of 87 days is allowed.

I.A.(Civil)/2157/2023 is allowed and disposed of as above. The MAC Appeal is to be given a Registration number by the Registry and the matter is to be listed for admission in due course after 1(one) week.

JUDGE

Comparing Assistant