

GAHC010153522023



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

Case No. : I.A.(Civil)/2069/2023

ICICI LOMBARD GENERAL INSURANCE COMPANY LTD.
HAVING ITS REGISTERED OFFICE AND HEAD OFFICE AT ICICI BANK
TOWERS, BANDRA KURLA COMPLEX, MUMBAI 400051, ITS ZONAL OFFICE
AT APEEJAY HOUSE, 15 PARK STREET, 7TH FLOOR, KOLKATA 700016 AND
A BRANCH OFFICE AT KAMAKHYA TOWER, 3RD FLOOR, OFFICE NO. 305
AND 306, GS ROAD, GUWAHATI 781005, ASSAM

VERSUS

NAYAN MANI KALITA AND 3 ORS.
W/O LATE MANORANJAN KALITA,
RESIDENT OF VILLAGE PANITEMA, PS KAMALPUR, DIST KAMRUP,
ASSAM 781380

2: SMTI ANUSHKA KALITA
D/O LATE MANORANJAN KALITA

RESIDENT OF VILLAGE PANITEMA
PS KAMALPUR
DIST KAMRUP
ASSAM 781380

3: MR. HABIBAR RAHMAN
S/O HARUN RASID
RESIDENT OF CHEPTI
PO AND PS RANGIA
DIST KAMRUP
ASSAM
781354

4: SRI JITEN RAVA
S/O SRI BIREN RAVA

RESIDENT OF VILLAGE GANDHIBARI

PO AND PS TAMULPUR

DIST BAKSA

ASSAM. 78136

Advocate for the Petitioner : MR. R GOSWAMI

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

**BEFORE
HONOURABLE MRS. JUSTICE MARLI VANKUNG**

ORDER

Date : 29.05.2024

Mr. R. Goswami, learned counsel for the applicant is present.

It is seen from the office note dated 15.12.2023 that Vakalatnama has been filed on behalf of respondent No. 1. However, none has appeared for the respondent No. 1.

The learned counsel for the applicant submits that respondent No. 2 being the daughter of respondent No. 1, it can be presumed that notice is also served upon respondent No. 2. He also submitted that the name of respondent Nos. 3 & 4 may be struck off since the appeal is with regard to the quantum of the award.

The instant application is for condonation of delay of 6 days in filing Appeal against the judgment and award dated 27.03.2023 passed by the learned Member, MACT No. 2, Kamrup (M) in MAC Case No. 2176/2019.

The learned counsel for the applicant submits that the delay of 6 (six) days in filing the instant appeal has been explained in paragraph 2 of the application.

Considering the submissions of the learned counsel for the applicant and on perusal of the explanation given in paragraph 2 of the application, this Court finds that the delay of 6 (Six) 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 and list the same for admission after 3 (three) weeks..

JUDGE

Comparing Assistant