

GAHC010156532023



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

Case No. : I.A.(Civil)/2003/2023

ICICI LOMBARD GENERAL INSURANCE COMPANY LTD.
HAVING ITS REGISTERED OFFICE AND HEAD OFFICE AT HEAD 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 305, GS ROAD, GUWAHATI 781005, ASSAM

VERSUS

RABIYA KHATUN AND 5 ORS.
W/O LATE MOTIBUR RAHMAN @ MATIUR RAHMAN,
RESIDENT OF VILLAGE RAJA ALI,
PO KAMPUR, PS KACHUA, DIST NAGAON, ASSAM 782426

2:ASHIQR RAHMAN
S/O LATE MOTIBUR RAHMAN @ MATIUR RAHMAN

RESIDENT OF VILLAGE RAJA ALI

PO KAMPUR
PS KACHUA
DIST NAGAON
ASSAM 782426

3:SALIMA YASMIN
D/O LATE MOTIBUR RAHMAN @ MATIUR RAHMAN

RESIDENT OF VILLAGE RAJA ALI

PO KAMPUR
PS KACHUA
DIST NAGAON

ASSAM 782426

4:MISS NARGIS SULTANA
D/O LATE MOTIBUR RAHMAN @ MATIUR RAHMAN

RESIDENT OF VILLAGE RAJA ALI

PO KAMPUR
PS KACHUA
DIST NAGAON
ASSAM 782426
TO BE REP. BY. RES. NO. 1

5:MD. JAIN UDDIN
S/O S MIYA
RESIDENT OF VILLAGE JONGJAP PADUMONIGAON
PO KAMPUR
PS KACHUA
DIST NAGAON
ASSAM 782450

6:MD KAMAL UDDIN
S/O MD. ABDUL RAHMAN
RESIDENT OF VILLAGE JURIRPAR
PO JURIRPAR BO
PS KACHUA
DIST NAGAON
ASSAM 78242

Advocate for the Petitioner : MR. R GOSWAMI

Advocate for the Respondent : MR D MONDAL (R-1 AND 3)

Linked Case :

ICICI LOMBARD GENERAL INSURANCE COMPANY LTD.

VERSUS

RABIYA KHATUN AND 5 ORS. A

Advocate for : MR. R GOSWAMI
Advocate for : appearing for RABIYA KHATUN AND 5 ORS. A

**BEFORE
HONOURABLE MRS. JUSTICE MARLI VANKUNG**

ORDER

Date : 31.05.2024

Heard Ms. M. Saikia, learned counsel for the applicant along with Mr. D. Mondal, learned counsel for the respondents No. 1 to 4.

It is seen that notice was to be served upon respondents No. 5 and 6 through *Dasti* service, however, the learned counsel for the applicant has prayed for time for filing the affidavit of *Dasti* service.

The learned counsels for both the parties submits that the instant application is for condonation of delay of only 17 days, which may be heard and disposed of today.

Mr. D. Mondal, learned counsel for the respondents No. 1 to 4 submits that considering the less number of days for which the condonation has been filed, they will file no objection.

Ms. M. Saikia, learned counsel for the applicant submits that the reasons for the delay of 17 days have been explained at paragraph-2 of the application. The delay is mainly due to the time taken for receiving the advice from the panel advocates and also time taken for collecting the desired documents and clarifications.

I have heard the submissions made by the learned counsel for both the parties, this Court has perused the paragraph-2 of the application, wherein this Court finds that the delay of 17 days in filing the instant appeal against the

Judgment and award dated 24.03.2023 passed by the learned Member, MACT, Naogaon in MAC Case No.234/2019 has been sufficiently explained.

This Court finds that the delay of 17 days is not due to negligence or laches on the part of the applicant and delay is condoned.

Accordingly, I.A.(Civil) No. 2003/2023 stands allowed and disposed of.

On the disposal of the instant I.A., the Registry to number the appeal application and list the for admission.

The name of Mr. D. Mondal, learned counsel for the respondents No.1 to 4 is to be duly reflected in the cause list thereafter.

JUDGE

Comparing Assistant