

GAHC010159472019



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

Case No. : I.A.(Civil)/3228/2019

NEW INDIA ASSURANCE CO. LTD.,
HAVING ITS REGISTERED AND HEAD OFFICE AT NEW INDIA ASSURANCE
BUILDING, 87, MAHATMA GANDHI ROAD, FORT, MUMBAI- 400001 AND
REGIONAL OFFICE AT G.S. ROAD, GUWAHATI-5, REP. BY THE CHIEF
REGIONAL MANAGER.

VERSUS

SMT. ANJU DAS AND 2 ORS.
W/O- LATE PARITOSH CHANDRA DAS, R/O- MORANHAT, P.O. AND P.S.
MORANHAT, DIST.- DIBRUGARH, ASSAM.

2:SMTI. MINAKSHI DUTTA BORSAIKIA
D/O- SRI BULU BORSAIKIA
R/O- LICI ROAD
P.O. DIGBOI
PIN- 786171
DIST.- TINSUKIA
ASSAM. (OWNER OF OIL TANKER BEARING REGISTRATION NO. AS-
23/AC-0474).

3:SRI RINTU GOGOI
S/O- SRI SISUKANTA GOGOI
R/O- VILL.- SAROR GAON
P.O. MORONGI CHARIALI
DIST.- GOLAGHAT
ASSAM. (DRIVER OF OIL TANKER BEARING REGISTRATION NO. AS-
23/AC-0474)

Advocate for the Petitioner : MR SISHIR DUTTA, MR. S DUTTA,MR. S DUTTA

Advocate for the Respondent : MR. S CHAUHAN(R-1), R DEB(R-1),MS S K CHOUHAN(R-

1),MR. P MAZUMDER(R-1)

**BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG**

ORDER

Date : 09.08.2024

Heard Mr. S. Dutta, learned counsel for the applicant. Also heard Mr. S. Chauhan, learned counsel for the respondent No. 1.

Notice upon respondent Nos. 2 & 3 is complete. However, no one appears on behalf of respondent Nos. 2 & 3.

This is an application under Section 173 second proviso of the Motor Vehicle Act, 1988 read with Section 5 of the Limitation Act, 1963 for condoning the delay of 69 days in filing the Appeal against the judgment and order dated 09.01.2019 passed by the learned Member, MACT, Golaghat in MAC Case No. 64/2015.

The ground for delay in filing the appeal has been explained in para 5 of the application. The cause shown for not filing the connected appeal within the stipulated time are sufficient to condone the delay.

The learned counsel for the respondent No. 1 has no objection if the delay is condoned.

In view of above, the petition is allowed and the delay is condoned.

Registry to register the appeal for admission.

In the meantime, the applicant shall furnish a copy of the appeal memo to the learned counsel for the respondent.

JUDGE

Comparing Assistant