

GAHC010159592019



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

**Case No. : I.A.(Civil)/2381/2019**

SMTI. BABITA HAZARIKA AND 4 ORS.  
W/O- LATE JAGADISH HAZARIKA

2: SRI CHIRANJIB HAZARIKA  
S/O- LATE JAGADISH HAZARIKA

3: SRI CHINMOY HAZARIKA  
S/O- LATE JAGADISH HAZARIKA

4: SRI ANTIM HAZARIKA  
S  
/O- LATE JAGADISH HAZARIKA  
ALL ARE RESIDENTS OF VILL.- THELAMORA KUMAR CHUBURI  
P.S. THELAMORA  
MOUZA- NUHARBARI  
DIST.- SONITPUR  
ASSAM.

5: SRI NUMAL HAZARIKA  
S/O- LATE BHUBAN HAZARIKA  
R/O- VILL.- THELAMORA KUMAR CHUBURI  
P.S. THELAMORA  
MOUZA- NUHARBARI  
DIST.- SONITPUR  
ASSAM. ( THE PETITIONER NO. 4 IS A MINOR AND HE IS REP. BY HER  
MOTHER CLAIMANT NO. 1  
PRESENTLY RESIDING AT SENCHUWA  
P.S. AND DIST.- NAGAON  
ASSAM

VERSUS

SRI BHAKTI NATH AND 2 ORS.  
S/O- LATE DEBEN NATH, R/O- VILL.- HATIA KHOWA, P.S. ULLUONI, DIST.-

NAGAON, ASSAM.

2:THE NATIONAL INSURANCE CO. LTD.

NAGAON BRANCH  
ASSAM.

3:SRI MOON KR. NATH  
S/O- SRI JUGAL CH. NATH  
R/O- VILL.- JUMKHULA  
P.S. ULLUONI  
DIST.- NAGAON  
ASSAM

**Advocate for the Petitioner : MR S DEKA**

**Advocate for the Respondent : MR. K K BHATTA (r-2)**

Linked Case : MAC App./12982/2018 (Filing Number)

SMTI BABITA HAZARIKA AND 4 ORS

VERSUS

SRI BHAKTI NATH AND 2 ORS

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Advocate for :

Advocate for : appearing for SRI BHAKTI NATH AND 2 ORS

**BEFORE**  
**HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

**ORDER**

**Date : 03.06.2024**

Heard Mr.S. Deka, learned counsel appearing for the applicants. Also heard Ms. L. Sharma, learned counsel appearing for the opposite party/Insurance Company.

This is an application u/s 5 of the Limitation Act praying for condonation of delay of 373 days in preferring the appeal.

It has been submitted that earlier the applicants were represented by Mr. H.G. Baruah and during his time there were some technical problems in the registry regarding the appeal. Ultimately the learned counsel, Mr. H.G. Baruah expired and therefore, the applicants cannot engage any new lawyer. Ultimately the appeal was dismissed by the Registrar General of this High Court.

Thereafter, the learned counsel, Mr. S.Deka stepped in.

I have also gone through the objection filed by the Insurance Company.

I have considered the submission made by the learned counsel of both sides.

I find that the delay has been satisfactorily explained. Therefore, the delay stands condoned.

The connected MAC Appeal shall be registered and listed for admission hearing.

The IA stands disposed of.

**JUDGE**

**Comparing Assistant**