

GAHC010161922019



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

Case No. : I.A.(Civil)/2906/2019

SUDESH SHARMA
S/O- MANOHAR GAKUL SHARMA, R/O- VILL.- URIAMGURI, P.S.
JAMUGURIHAT, DIST.- SONITPUR, ASSAM- 784025.

VERSUS

NEW INDIA ASSURANCE COMPANY LIMITED
TEZPUR BRANCH, P.O. AND P.S. TEZPUR, DIST-SONITPUR
PIN-784001

Advocate for the Petitioner : MR. A GANGULY

Advocate for the Respondent : MRS. P M DUTTA

BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 28-02-2024

Heard Mr. A. Ganguly, learned counsel for the applicant. Also heard Mrs. L. Sharma, learned counsel for the sole respondent/ Insurance Company.

This application under Section 5 of the Limitation Act read with Section 173(1) of the Motor Vehicles Act, 1988 has been filed praying for condonation of delay of 206 days in filing the connected Appeal against the judgment and award dated 04.09.2018 passed by the learned Member MACT, Tezpur, Sonitpur in MAC Case No. 72/2017.

The reasons for delay in filing the appeal has been explained in paragraphs 3,4,5,6, & 7 of the I.A.(C) application. On consideration of the reason stated in the above paragraphs, I am of the considered view that the petitioner was prevented by sufficient cause in not preferring the connected appeal within the stipulated period of limitation.

In this context, the learned counsel for the sole respondent / Insurance Company has also submitted that she has no objection in condoning the delay in filing the appeal.

In view of the above, the delay of 206 days in filing the connected appeal stands condoned.

The I.A.(C) is accordingly allowed and disposed of.

Registry is directed to register the connected MAC Appeal and list accordingly for admission hearing.

JUDGE

Comparing Assistant