

GAHC010162572024



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

**Case No. : I.A.(Civil)/2435/2024**

THE ORIENTAL INSURANCE CO. LTD.  
A COMPANY REGISTERED UNDER THE COMPANIES ACT, 1956. REP. BY ITS  
REGIONAL MANAGER, ULUBARI, GUWAHATI- 7.

VERSUS

LAKSHI DAS AND 4 ORS.  
W/O LATE NANDA DAS,  
VILL.- JALJALI, HOWLY TOWN, WARD NO. 2, P.O. AND P.S.- HOWLY, DIST.-  
BARPETA, ASSAM, PIN- 781316.

2:JAMUNA BALA DAS  
W/O LATE SUNIL DAS  
VILL.- JALJALI  
HOWLY TOWN  
WARD NO. 2  
P.O. AND P.S.- HOWLY  
DIST.- BARPETA  
ASSAM  
PIN- 781316.

3:SOURBH DAS  
S/O LATE NANDA DAS  
VILL.- JALJALI  
HOWLY TOWN  
WARD NO. 2  
P.O. AND P.S.- HOWLY  
DIST.- BARPETA  
ASSAM  
PIN- 781316.  
(BEING MINOR  
REP. BY HIS MOTHER I.E. RESPONDENT NO. 1).

4:AMZAD ALI  
S/O SAMSUL HOQUE  
VILL.- HAZIPARA  
P.O. AND P.S.- HOWLY  
DIST.- BARPETA  
ASSAM  
PIN- 781316.

5:ANOWAR HUSSAIN  
S/O BHALU MIYA  
VILL.- CHENGULIA  
P.O.- KALAHBHANGA  
P.S.- BARPETA ROAD  
DIST.- BARPETA  
ASSAM  
PIN- 781315

**Advocate for the Petitioner** : MR. S K GOSWAMI, MR. R SHARMA

**Advocate for the Respondent** : MR. R Deka (R-1,2,3), MR. B BHARALI (R-4,5), S I AKAND(R-1,2,3)

**BEFORE  
HONOURABLE MR. JUSTICE ROBIN PHUKAN  
ORDER**

**22.11.2024**

Heard Ms. L. Sarma, learned counsel for the applicant and Mr. S.I. Akand, learned counsel for the opposite parties.

**2.** This application, under Section 5 of the Limitation Act, is preferred by the applicant for condoning the delay of 21 days in preferring the connected appeal.

**3.** The learned counsel for the applicant submits that the certified copy of the Judgment and Award dated 20.03.2024, passed in M.A.C. Case No. 98/2019, by the learned Member, M.A.C.T., Bajali, Pathsala could not be obtained in time. Thereafter, the judgment and award was sent to the Branch Office, Bongaigaon

and thereafter, to Regional Office, Guwahati for approval and in that process the delay of 21 days had occurred and that the delay is not intentional rather it is circumstantial and the same sufficiently explained in Paragraph Nos. 4, 5 & 6 of the application. Therefore, it is contended to allow this petition.

**4.** On the other hand, the learned counsel for the opposite parties submits that he has no objection in the event of condoning the delay of 21 days in preferring the connected appeal, against the Judgment and Award dated 20.03.2024, passed in M.A.C. Case No. 98/2019, by the learned Member, M.A.C.T., Bajali, Pathsala.

**5.** Having heard the submissions of learned counsel for both the parties, I have carefully gone through the petition as well as the documents placed on record and also perused the statements and averments made in the Paragraph Nos. 4, 5 & 6 of the application.

**6.** It appears that the delay of 21 days, in preferring the connected appeal, against the Judgment and Award dated 20.03.2024, passed in M.A.C. Case No. 98/2019, by the learned Member, M.A.C.T., Bajali, Pathsala is sufficiently explained in Paragraph Nos. 4, 5 & 6 of the application.

**7.** Therefore, this court is inclined to allow this application and accordingly, the delay of 21 days in filing the connected appeal, stands condoned.

**8.** In view of above, it is provided that the Registry shall register the connected appeal and list the same before the court.

**JUDGE**

**Comparing Assistant**