

GAHC010165662019



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

Case No. : I.A.(Civil)/3233/2019

THE NATIONAL INSURANCE COMPANY LIMITED
HAVING ITS REGISTERED HEAD OFFICE AT 3, MIDDLETON STREET,
CALCUTTA- 700071, REP. BY THE MANAGER, GAUHATI REGIONAL
OFFICE, BHANGAGARH, GUWAHATI- 781005.

VERSUS

SRI ARJUN PANDIT @ ARJUN DAS AND 2 ORS
S/O- LATE LAXMAN PANDIT, R/O- VILL.- KATAHBARI, NEAR MASJID, P.O.
AND P.S. GARCHUK, GUWAHATI, DIST.- KAMRUP(M), ASSAM, PIN- 781035.

2:SRI KAILASH DAS
S/O- SRI HARENDRA KUMAR DAS
R/O- VILL.- WARD NO. 58
H/NO. 11
LAKHI MANDIR
P.O. AND P.S. BASISTHA
GUWAHATI
DIST.- KAMRUP(M)
ASSAM
PIN- 781029.

3:SRI BHUBAN KAIBARTA
S/O- LATE ANADI KAIBARTA
R/O- VILL.- NARENGA BAJRAPARA
P.O. AND P.S. BOKO
DIST.- KAMRUP
ASSAM
PIN- 781123

Advocate for the Petitioner : MS. R D MOZUMDAR, MS. C MOZUMDAR, MR. S P SHARMA

Advocate for the Respondent : ,

Linked Case :

THE NATIONAL INSURANCE COMPANY LIMITED

VERSUS

SRI ARJUN PANDIT @ ARJUN DAS AND 2 ORS

Advocate for :

Advocate for : appearing for SRI ARJUN PANDIT @ ARJUN DAS AND 2 ORS

**BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG**

ORDER

Date : 25-09-2024

Heard Ms. R.D. Mozumdar, learned counsel for the applicant.

The learned counsel for the applicant submits that she has taken steps upon respondent nos. 1 and 2 by way of paper publication on 05.06.2024 and to that effect she has filed an affidavit enclosing the notice published in the daily newspaper. She also submits that notice upon the respondent No. 3 was served thrice however, service report is still awaited.

In view of above, notice upon the respondents are deemed to be completed.

No one appears on behalf of the respondents.

This is an application under second proviso to section 173 of the M.V. Act read with section 5 of the Limitation Act 1963 praying for condonation of delay of 148 days in filing the connected appeal against the judgment dated 09.11.2018 passed by the learned member MACT No.3, Kamrup (M) Guwahati in MAC Case No.3075/2015.

The grounds for not preferring the appeal on time has been explained in paragraphs 3 to 8.

Upon hearing the counsel and on perusal of the averments made in the application, this Court is of the view that the applicant has shown sufficient cause for not preferring the appeal within the stipulated period of time. Since the respondents are not appearing despite receipt of notice, it is presumed that the respondents have no objection to the condonation of the delay.

In view of above, the delay of 148 days in filing the connected appeal is hereby condoned.

I.A. stands disposed of.

Registry shall number the appeal and list it for admission on a date to be fixed by the Registry.

JUDGE

Comparing Assistant