

GAHC010169762023



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

Case No. : I.A.(Civil)/2189/2023

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

VERSUS

SANJIT BALMIKI AND 3 ORS.
S/O BAHULAL BALMIKI,
R/O HOUSE NO. 62, VIVEKANADA ROAD, OPPOSITE LANE NO. 17, WARD
NO. 25, P.O.- SILCAHR, DIST.- CACHAR, ASSAM, PIN-

2:SABITA BALMIKI
W/O SANJIT BALMIKI

R/O HOUSE NO. 62
VIVEKANADA ROAD
OPPOSITE LANE NO. 17
WARD NO. 25
P.O.- SILCAHR
DIST.- CACHAR
ASSAM
PIN-

3:PURVANCHAL COMMUNICATION PRIVATE LIMITED
C/O SAHIB NARAIN
4TH FLOOR
BORDOICHILA BHAWAN (K) ABOVE SAMSUNG PLAZA
G.S. ROAD
BHANGAGHAR
GUWAHATI- 05
DIST.- KAMRUP (M)
ASSAM.

4:RAM BAHADUR GURUNG
S/O MON BAHADUR GURUNG
R.M.S. OFFICE
TARAPUR
P.O.- SILCHAR
P.S.- SILCHAR
DIST.- CACHAR
ASSAM

Advocate for the Petitioner : MR. S K GOSWAMI

Advocate for the Respondent : MR. S SUTRADHAR (R-1,2)

Linked Case :

THE ORIENTAL INSURANCE CO. LTD

VERSUS

SANJIT BALMIKI AND 3 ORS. A

Advocate for : MR. S K GOSWAMI
Advocate for : appearing for SANJIT BALMIKI AND 3 ORS. A

BEFORE
HONOURABLE MRS. JUSTICE MARLI VANKUNG

ORDER

Date : 31.05.2024

Heard Mr. S. K. Goswami, learned counsel for the applicant.

This is an application filing under Section 5 of the Limitation Act read with Section 173(1) of the Motor Vehicle Act, 1988, for condonation of delay of 95

days in preferring appeal, against the Judgment and award dated 08.12.2022 passed by learned Member, Motor Accident Claims Tribunal, Cachar at Silchar in MAC Case No. 75/2018.

Issue notice to the respondents, Mr. S. Sutradhar accepts on behalf of respondents No.1 and 2, who are claimants.

The learned counsel for the applicant submits that the respondents No.3 and 4 are the owner and the driver of the accident vehicle and the instant application is with regard to the quantum of the award made by the learned tribunal.

He therefore submits that the presence of the respondents No.3 and 4, who had not made appearance before the learned tribunal may not be necessary in consideration of the instant application.

Mr. S. Sutradhar, learned counsel for the respondents No.1 and 2 submits that they have no objection to the condonation of delay of 95 days in preferring the appeal against the Judgment and award dated 08.12.2022.

The learned counsel for the applicant submits that the reasons for the delay of 95 days has been explained at paragraph-4, 5 and 6 of the application, which is not due to the negligence or laches on the part of the applicant but mainly due to the office procedure and the communication taken for obtaining legal opinion from the Regional Office at Guwahati.

I have heard the submission made by the learned counsel for both the parties, no objection has been raised by the learned counsel for the respondents No.1 and 2, this Court has perused the reasons given for delay at paragraph-4 to 6 of the application.

This Court finds the reasons for the delay of 95 days is not due to negligence or laches on the part of the applicant.

Accordingly, the delay of 95 days stands condoned.

I.A. No. 2189/2023 is allowed and disposed of.

On the disposal of the instant I.A., the connected appeal application is to be registered by the Registry and list the matter for admission hearing.

The name of Mr. S. Sutradhar, learned counsel for the respondents No. 1 and 2 is to be reflected in the cause list thereafter.

JUDGE

Comparing Assistant