

GAHC010169762024



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

Case No. : I.A.(Civil)/3035/2024

NEW INDIA ASSURANCE CO LTD
HAVING ITS REGISTERED OFFICE AT NEW ASSURANCE BUILDING 87,
MAHATMA GANDHI ROAD, MUMBAI, AND ONE OF THE REGIONAL
OFFICES AT STAR CITY COMPLEX, 5TH FLOOR, LACHIT NAGAR,
GUWAHATI-781005, NEAR HANUMAN MANDIR

VERSUS

SONARAM TUDU AND 5 ORS
H/O. LT SUROJUNI HASDA, R/O. PANBARI, BISHMURI, P/S. AND DIST.
KOKRAJHAR, BTAD, ASSAM, PIN-783370

2:SRI MILTHUSELAK TUDU
S/O. LT SUROJUNI HASDA
R/O. PANBARI
BISHMURI
P/S. AND DIST. KOKRAJHAR
BTAD
ASSAM
PIN-783370

3:MISS ELIZABETH TUDU
D/O. LT SUROJUNI HASDA
R/O. PANBARI
BISHMURI
P/S. AND DIST. KOKRAJHAR
BTAD
ASSAM
PIN-783370

4:SRI MELSON TUDU
S/O. LT SUROJUNI HASDA

R/O. PANBARI
BISHMURI
P/S. AND DIST. KOKRAJHAR
BTAD
ASSAM
PIN-783370

5:SRI BIPLAP DEY
S/O. P.G DEY
VILL.- CHANDMARI
TRCH NO.CE/T/186/13
DIST. LOHIMA
NAGALAND

6:MD. IRSHAD HUSSAIN
S/O. MD. AMIR HUSSAIN
VILL. BAXI NAGAR
MONGAL KOT
P/S AND DIST. BARDHAMAN
WEST BENGAL

Advocate for the Petitioner : MR. K K BHATTA,

Advocate for the Respondent : A G CHOUDHURY, FOR CAVEATOR

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN
ORDER

27.09.2024

Heard Mr. K.K. Bhatta, learned counsel for the applicant and also heard Mr. K. Teri, learned counsel appearing on behalf of Ms. A.G. Choudhury, learned counsel for the respondent Nos.1—4.

This application under Section 5 of the Limitation Act is preferred by the applicant, namely, New India Assurance Co. Ltd. for condonation of delay of 16 days in filing the connected appeal against the judgment and award dated 29.04.2024 passed by the learned Member, Motor Accident Claims Tribunal No.2, Kamrup, in MAC Case

No.173/2017.

Mr. Bhatta, learned counsel for the applicant submits that though the judgment was delivered on 29.04.2024, on account of observance of some official formalities the appeal could not be preferred in time and when the appeal was filed on 19.08.2024, the period of limitation is over by 16 days and that the delay is not intentional, rather it is circumstantial and the same has duly been explained in paragraph 3 of the application and therefore, it is contended to condone the same.

The learned counsel appearing on behalf of Ms. Choudhury, learned counsel for the respondent Nos.1—4 submits that the respondents have no objection in the event of condoning the delay of 16 days in preferring the connected appeal.

Having heard the submission of learned Advocates of both sides, I have gone through the application and also the statement and averment made in paragraph 3 of the application.

It appears that the delay of 16 days occurred in obtaining suggestion from the High Court panel Advocates and also in obtaining approval from the Head Office at Mumbai, is not intentional and therefore, this Court is inclined to allow this application. Accordingly, the delay of 16 days in filing connected appeal stands condoned.

Registry shall register and number the connected appeal and list the same before the Court.

Sd/- Robin Phukan
JUDGE

Comparing Assistant