

GAHC010172732024



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

Case No. : I.A.(Civil)/2663/2024

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

VERSUS

ASMA KHATUN AND 8 ORS
W/O LATE MUSTAFIJUR RAHMAN
RESIDENT OF VILLAGE HATIPUKHURI , PS RUPAHIHAT, DIST NAGAON,
ASSAM PRESENT ADDRESS C/O SUKUR LASKAR, RESIDENT OF
DATALPARA, NATUN BASTI, PS FATASIL, AMBARI, DIST KAMRUP M
ASSAM

2:PARABINA KHATUN
W/O MD. ISMAIL ALI
RESIDENT OF VILLAGE HATIPUKHURI
PS RUPAHIHAT
DIST NAGAON
ASSAM PRESENT ADDRESS C/O SUKUR LASKAR
RESIDENT OF DATALPARA
NATUN BASTI
PS FATASIL
AMBARI
DIST KAMRUP M ASSAM

3:MD. ISMAIL ALI
S/O LATE AHAMMAD ALI

RESIDENT OF VILLAGE HATIPUKHURI
PS RUPAHIHAT
DIST NAGAON
ASSAM PRESENT ADDRESS C/O SUKUR LASKAR

RESIDENT OF DATALPARA
NATUN BASTI
PS FATASIL
AMBARI
DIST KAMRUP M ASSAM

4:RADHIKA BEGUM
D/O MD. ISMAIL ALI

RESIDENT OF VILLAGE HATIPUKHURI
PS RUPAHIHAT
DIST NAGAON
ASSAM PRESENT ADDRESS C/O SUKUR LASKAR
RESIDENT OF DATALPARA
NATUN BASTI
PS FATASIL
AMBARI
DIST KAMRUP M ASSAM
TO BE REP. BY RES. NO. 1

5:SADIKA BEGUM
D/O MD. ISMAIL ALI

RESIDENT OF VILLAGE HATIPUKHURI
PS RUPAHIHAT
DIST NAGAON
ASSAM PRESENT ADDRESS C/O SUKUR LASKAR
RESIDENT OF DATALPARA
NATUN BASTI
PS FATASIL
AMBARI
DIST KAMRUP M ASSAM
TO BE REP. BY RES. NO. 1

6:ABDUL RASHID ALAM
S/O ABDUL ROHIM
RESIDENT OF KAMARPATTY
BARIK PATH
PO
PS AND DIST GOLAGHAT
ASSAM 785614

7:MD. ABDUL HANNAN
S/O LATE ABDUL KHALEQ
RESIDENT OF 3NO. SANTIPUR
PO
PS AND DIST GOLAGHAT
ASSAM 785621

8:ABDUL HASIM
S/O ISMAIL ALI

RESIDENT OF VILLAGE HATIPUKHURI
PO RUPAHI
PS RUPAHIHAT
DIST NAGAON
ASSAM 782125

9:BAHARUL ISLAM
S/O ROHUL AMIN
RESIDENT OF VILLAGE HATIPUKHURI
PO RUPAHI
PS RUPAHIHAT
DIST NAGAON
ASSAM 78212

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

Advocate for the Respondent : ,

Linked Case :

THE ORIENTAL INSURANCE CO LTD

VERSUS

ASMA KHATUN AND 8 ORS A

Advocate for : MR. R SHARMA
Advocate for : appearing for ASMA KHATUN AND 8 ORS A

Linked Case :

THE ORIENTAL INSURANCE CO LTD

VERSUS

ASMA KHATUN AND 8 ORS A

Advocate for : MR. R SHARMA
Advocate for : appearing for ASMA KHATUN AND 8 ORS A

BEFORE
HONOURABLE MRS. JUSTICE MARLI VANKUNG

ORDER

Date : 09-09-2024

Heard Mr. R. Sharma, learned counsel for the applicant, who has filed the instant application under Section 5 of the Limitation Act for condonation of delay of 16 days in preferring the appeal against the Judgment & Award dated 24.04.2024 passed by the learned Member, Motor Accident Claims Tribunal No.2, Kamrup (M) at Guwahati in MAC Case No. 2847 of 2019.

Issue notice to the respondents.

Mr. A.R. Agarwala, learned counsel accepts notice on behalf of respondent Nos. 1 to 5, no need to issue any formal notice.

The learned counsel for the respondents submits that they will not be filing any objection to the application for condonation of delay of 16days.

The learned counsel for the applicant submits the reason for the delay of 16 days in preferring the appeal against the Judgment & Award dated 24.04.2024 has been explained at paras 3 & 4 of this application.

This court on perusal of paras 3 & 4 of the application finds that sufficient reasons have been highlighted for the delay of 16 days in filling the appeal against the Judgment & Award

dated 24.04.2024 passed by the learned Member, Motor Accident Claims Tribunal No.2, Kamrup (M) at Guwahati in MAC Case No. 2847 of 2019.

Accordingly, since no objection has been raised by the learned counsel for the respondents, this court finding that the delay is not due to any laches or negligence on the part of the applicant, condone the delay of 16 days in preferring the appeal.

In view of the above, I.A.(Civil) No.2663/2024 stands allowed and disposed.

On the disposal of the said I.A., the Registry to take necessary steps for giving registration number to the appeal application.

List after 2 (two) weeks.

The name of Mr. A.R. Agarwala, learned counsel for the respondents to be reflected in the cause list, Registry to do the needful.

JUDGE

Comparing Assistant