

GAHC010186932023



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

Case No. : I.A.(Civil)/2573/2023

NATIONAL INSURANCE COMPANY LIMITED
A COMPANY REGISTERED AND INCORPATED UNDER THE COMPANIES
ACT, 1956, HAVING ITS REGISTERED OFFICE AT 3, MIDDLETON STREET,
KALKATA AND ONE ITS REGIONAL OFFICE AT G.S. ROAD, BHANGAGARH,
GUWAHATI, REPRESENTED BY ITS REGIONAL MANAGER, GUWAHATI,
ASSAM.

VERSUS

ANOWARA KHATUN AND 10 ORS.
W/O LATE AMJAD ALI,
VILL.- FULKAKATA, P.O.- MATHA KHOWA, P.S.- SOUTH SARANIA, DIST.-
GOALPARA, ASSAM.

2:AMBIYA KHATUN
W/O LATE AMJAD ALI

VILL.- FULKAKATA
P.O.- MATHA KHOWA
P.S.- SOUTH SARANIA
DIST.- GOALPARA
ASSAM.

3:SANOWAR HUSSAIN MANDAL
S/O LATE AMJAD ALI

VILL.- FULKAKATA
P.O.- MATHA KHOWA
P.S.- SOUTH SARANIA
DIST.- GOALPARA
ASSAM.

4:AMINA KHATUN
D/O LATE AMJAD ALI

VILL.- FULKAKATA
P.O.- MATHA KHOWA
P.S.- SOUTH SARANIA
DIST.- GOALPARA
ASSAM.

5:NARJINA KHATUN
MINOR
REP. BY THE RESPONDENT NO. 1 AND 2

D/O LATE AMJAD ALI

VILL.- FULKAKATA
P.O.- MATHA KHOWA
P.S.- SOUTH SARANIA
DIST.- GOALPARA
ASSAM.

6:NAJMA PARVEEN
MINOR
REP. BY THE RESPONDENT NO. 1 AND 2

D/O LATE AMJAD ALI

VILL.- FULKAKATA
P.O.- MATHA KHOWA
P.S.- SOUTH SARANIA
DIST.- GOALPARA
ASSAM.

7:MOFIZUL HOQUE
MINOR
REP. BY THE RESPONDENT NO. 1 AND 2

S/O LATE AMJAD ALI

VILL.- FULKAKATA
P.O.- MATHA KHOWA
P.S.- SOUTH SARANIA
DIST.- GOALPARA
ASSAM.

8:ROBIAL MANDAL
MINOR
REP. BY THE RESPONDENT NO. 1 AND 2

S/O LATE AMJAD ALI

VILL.- FULKAKATA
P.O.- MATHA KHOWA
P.S.- SOUTH SARANIA
DIST.- GOALPARA
ASSAM.

9:ANJUMA PARVEEN
MINOR
REP. BY THE RESPONDENT NO. 1 AND 2

D/O LATE AMJAD ALI

VILL.- FULKAKATA
P.O.- MATHA KHOWA
P.S.- SOUTH SARANIA
DIST.- GOALPARA
ASSAM.

10:AYNAL HOQUE MANDAL
S/O LATE ABDUL HAKIM MANDAL

VILL.- SAKTOLA
P.O.- AOLATOLI
P.S.- LAKHIPUR
DIST.- GOALPARA
ASSAM
PIN- 783129.

11:PRAFULLA C. NATH
S/O LATE BHAKAT CH. NATH
VILL. AND P.O.- BAKAITARI
P.S.- MATIA
DIST.- GOALPARA
ASSAM
PIN- 783125

Advocate for the Petitioner : MRS. S ROY

Advocate for the Respondent : MR. A R AGARWALA

Linked Case :

NATIONAL INSURANCE COMPANY LTD.

VERSUS

ANOWARA KHATUN AND 10 ORS. A

Advocate for : MRS. S ROY
Advocate for : appearing for ANOWARA KHATUN AND 10 ORS. A

BEFORE
HONOURABLE MRS. JUSTICE MARLI VANKUNG

ORDER

Date : 27.05.2024

Heard Ms. S. Roy, learned counsel for the applicant along with Mr. A. R. Agarwala, learned counsel for the respondent Nos. 1, 2, 3 and 4.

None appeared for the respondent No.5, 6 and 7.

It is seen that Office note dated 16.12.2023, shows that A/D card or unserved notice upon respondent Nos. 5 and 7 is not returned till date, while A/D card of respondent No.6 has arrived bearing the signature of the mother of respondent No.6.

In view of the above, notice is deemed to be served upon respondent No.6. It is also seen that more than 1(one) month has lapsed since notice was issued to respondents No. 5 and 7.

This Court find it fit to hear dispose of the instant application filed under Section 173 of the M. V. Act, 1988 for condonation of delay of 39 days in filing the instant appeal against the judgment and order dated 05.04.2023 by the

Learned Member, Motor Accident Claims Tribunal, Goalpara, Assam in M.A.C Case No. 163/2019.

The learned counsel for the respondent Nos. 1 to 4 submits that they will not be filing any written objection against the application for condonation of delay.

Ms. S. Roy, learned counsel for the applicant submits the reasons for the delay has highlighted in paragraph 2 and 3 of the application, which shows that the delay was not due to any negligence or laches on the part of the applicant, but mainly due to the usual office procedures, which had to be followed for which the appeal could not be filed within time.

I have heard the submissions made by the learned counsel for the applicant and have considered the fact that the counsel for respondent Nos. 1 to 4 has preferred not to file any written objection.

On, perusal, this Court is satisfied with the explanation, highlighted in the application at paragraph No. 2 and 3.

This Court finds that the delay was not due to any negligence or laches on the part of the applicant and accordingly the application for condoning the delay of 39 days is allowed.

I.A.(Civil)/2573/2023 is allowed and disposed of as above. The MAC Appeal is to be given a Registration number by the Registry and the matter is to be listed for admission in due course after 1(one) week.

JUDGE

Comparing Assistant