

GAHC010191082023



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

Case No. : I.A.(Civil)/2588/2023

NEW INDIA ASSURANCE COMPANY LIMITED
(A CENTRAL GOVT. UNDERTAKING) HAVING ITS REGIONAL OFFICE AT
GUWAHATI, STARCITY COMPLEX, G. S. ROAD, LACHITNAGAR,
GUWAHATI- 781007 REPRESENTED BY THE MANAGER, GAUHATI
REGIONAL OFFICE, LACHITNAGAR, GUWAHATI- 781007.

VERSUS

MIRA KACHARI AND 3 ORS.
W/O DIPAK KACHARI,
VILL.- ROWDUAR POTHAR GAON,
P.O.- NUMALIGARH, P.S.- BOKAKHAT, DIST.- GOLAGHAT, ASSAM, PIN-
785615.
(REP. BY HER HUSBAND DIPAK KACHARI).

2:RAJA KALITA
S/O RAMEN KALITA

VILL.- HALMIRA DHANIRIPAR GAON

P.O. AND P.S.- GOLAGHAT
DIST.- GOLAGHAT
ASSAM
PIN- 785702.

3:SURENDRA KAMP
S/O ANIL KAMP

R/O BOKAKHAT TOWN

P.O. AND P.S.- BOKAKHAT
DIST.- GOLAGHAT

ASSAM
PIN- 785612.

4:THE MANAGER
UNITED INDIA INSURANCE CO. LTD.
GOLAGHAT BRANCH
THANA CHARIALI
DIST.- GOLAGHAT
ASSAM
PIN- 785621

Advocate for the Petitioner : MS. R D MOZUMDAR

Advocate for the Respondent : MR. M DUTTA (r-1)

BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 19-02-2024

Heard Ms. R.D. Mozumdar, learned counsel for the applicant. Also heard Mr. M. Dutta, learned counsel for the respondent No. 1 and Ms. F.N. Zaman, learned counsel for the respondent No. 4. No one has appeared on behalf respondent No. 2 although service of notice has been received by him personally as reflected in the office note dated 02.02.2024.

This is an application under Section 173 of the M.V. Act read with Section 5 of the Indian Limitation Act, 1963 praying for condonation of delay of 143 days in filing the connected appeal against the Judgment passed on 08.08.,2022 by learned Member, Motor Accident Claims Tribunal, Golaghat in MAC Case No. 100/2017.

The reason for delay in filing the connected appeal has been explained in paragraph 3,4,5,6 & 7 of the application. On perusal of the reason cited above, I am fully satisfied that the reason for delay in filing the appeal has been properly explained.

Moreover, the learned counsel for the respondent Nos. 1 and 4 has no objection if the delay of 143 days in filing the appeal is condoned.

In view of above, this I.A.(C) is allowed and the delay of 143 days in filing the appeal is condoned.

Accordingly, the I.A.(C) is allowed and disposed of.

Registry is directed to register the connected MAC Appeal and list accordingly showing the name of Mr. M. Dutta, as counsel for the respondent No. 1 and Ms. F.N. Zaman, as counsel for the respondent No. 4 in the cause list.

The learned counsel for the applicant shall furnish requisite extra copies to the learned counsel for the

respondent within one week from today.

JUDGE

Comparing Assistant