

GAHC010203552019



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

Case No. : I.A.(Civil)/3345/2019

SRI SANWARMAL SWAMI
S/O- LATE NATHULAL SWAMI, R/O- HANUMAN BHANDAR, DIPHU TOWN,
DIST.- KARBI ANGLONG, ASSAM, PIN- 782460.

VERSUS

THE ORIENTAL INSURANCE COMPANY LTD. AND 4 ORS
HAVING ITS REGISTERED OFFICE AT ORIENTAL HOUSE, A-25/27, ASAF ALI
ROAD, NEW DELHI, PIN- 110002 AND REGIONAL OFFICE AT GODREJ
BUILDING, G.S. ROAD, ULUBARI, PIN- 781007. (INSURER OF THE VEHICLE
(TRUCK) BEARING NO. AS-09-C-1187).

2:AFIA BEGUM
W/O- LATE ABDUL MANNAM
R/O- VILL.- UTТА ASHINAGAR
P.O. AND P.S. DOBOKA
DIST.- NAGAON
ASSAM
PIN- 782440.

3:ADBUL MANNAN
S/O- MARMUJ ALI
R/O- VILL.- UTТА ASHINAGAR
P.O. AND P.S. DOBOKA
DIST.- NAGAON
ASSAM
PIN- 782440.

4:REJBINA BEGUM
W/O- LATE BASIR UDDIN
PRESENTLY RESIDENT OF MOUDANGA KRISHI PAM NIGAM
P.O. AND P.S. MURAJAR

DIST.- NAGAON
ASSAM
PIN- 782445.

5:SRI BISTI PANIKA
S/O- SHEKHAR PANIKA
R/O- VILL.- CENTER BAJAR
P.O. AND P.S. HOWRAGHAT
DIST.- KARBI ANGLONG
ASSAM
PIN- 782481. (DRIVER OF VEHICLE (TRUCK) BEARING NO. AS-09-C-1187)

Advocate for the Petitioner : MR. S R GOGOI

Advocate for the Respondent : MRS. P M DUTTA

Linked Case :

SRI SANWARMAL SWAMI

VERSUS

THE ORIENTAL INSURANCE COMPANY LTD. AND 4 ORS

Advocate for :

Advocate for : appearing for THE ORIENTAL INSURANCE COMPANY LTD. AND
4 ORS

BEFORE
HONOURABLE MRS. JUSTICE MARLI VANKUNG

ORDER

Date : 03-06-2024

Heard Mr. S.R. Gogoi, learned counsel appearing for the applicant along with
Mr. S.P.Sharma, learned counsel for respondent No.1.

As per the notings of Lawzima Court dated 29.05.2024, service of notice

upon respondent Nos. 2, 3, 4 & 5 are deemed to be complete.

The instant I.A. is for the condonation of delay of 204 days in filing the connected appeal against the Judgment & Order dated 13.10.2018 passed by the learned Member, Motor Accident Claims Tribunal, Nagaon, Assam in MAC Case No. 443/2015.

The learned counsel for the applicant submits that the presence of respondent Nos. 2 to 5 may not be necessary in the instant case since the instant appeal is with regards to the Order made by the learned Tribunal for recovery of the award amount by the Insurance Company from the instant applicant/owner of the vehicle.

The learned counsel for the applicant further submits that the delay in filing the appeal was not due to any laches or negligent on the part of the applicant but due to reasons which have been explained at paras 6 & 7 of the application.

The reasons for the delay is mainly due to the fact that the applicant was not informed of the correct status of the matter by his learned counsel and the applicant got to know about the Judgment & Order dated 13.10.2018 only on 24.06.2019 when he received a copy of the notice issued by the learned Tribunal.

Thereafter, the learned counsel for the applicant has taken time to engage counsel and also to do the needful in filing the instant MAC.Appeal.

Mr. S.P.Sharma, learned counsel for respondent No.1 has raised no objection to the condonation of delay of 204 days.

In view of the above, since no objection has been raised by the learned counsel for the respondent No.1., this court has perused the reasons for delay given at para 6-7 of the application .

This court is satisfied that the reasons for delay in filing the instant appeal

against the Judgment & Order dated 13.10.2018 passed by the learned Member, Motor Accident Claims Tribunal, Nagaon, Assam in MAC Case No. 443/2015 is not due to any laches or negligent on the part of the applicant and accordingly condone the delay of 204 days in filing the connected appeal.

I.A.(Civil)/3345/2019 stands allowed and disposed of.

The Registry to register the appeal and listed for admission after 3 (three) weeks.

JUDGE

Comparing Assistant