

GAHC010204122018



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

Case No. : I.A.(Civil)/3334/2018

SRI NANDESWAR BORAH
S/O LATE PUNESWAR BORAH, VILL. BOR KATHANI, P.S. HAWAJAN,
DIST. LAKHIMPUR, ASSAM.

VERSUS

SRI DIPEN DAS AND 2 ORS
S/O SRI SONESWAR DAS, R/O VILL. DHALPUR, P.S. BIHPURIA, P.O.
BIHPURIA, DIST. LAKHIMPUR, ASSAM (OWNER AND DRIVER OF
OFFENDING VEHICLE NO. AS-07-C-6261) PIN 784161

2:SRI JAN SAIKIA
S/O SRI DINARAM SAIKIA
R/O VILL. DEOTOLLA P.S. BIHPURIA
P.O. BIHPURIA
DIST. LAKHIMPUR
ASSAM (OWNER AND DRIVER OF TRUCK NO. AS-07-A-8211)
PIN 784161

3:THE ORIENTAL INSURANCE CO.
REPRESENTED BY ITS REGIONAL MANAGER
ULUBARI
GUWAHATI-7
(INSURER OF THE OFFENDING VEHICLE AS-07-C-6261)

Advocate for the Petitioner : MR. S K TALUKDAR

Advocate for the Respondent : MR SISHIR DUTTA

BEFORE

HONOURABLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 18-03-2024

Heard Mr. S.K. Talukdar, learned counsel for the applicant and Mr. S. Dutta, learned counsel for the respondent No.3. No one appears on behalf of respondent No.2.

The office note dated 18.1.2020 reflects that notice upon the respondent no. 1 returned with postal note that the address not found. At this stage, the learned counsel for the applicant Mr. S.K. Talukdar submits that the respondent No.1, owner and driver of the offending vehicle is not required for the purpose of disposal of this application hence, prays for striking out the name of the respondent No.1.

Prayer is allowed.

The name of the respondent No.1 stands struck off from the cause title of the appeal at the risk of the appellant.

This is an application under section 5 of the Limitation Act, 1963 praying for condonation of delay of 147 days in filing the connected MAC appeal. The reasons for delay has been explained in paragraph 3 and 4 of the application. Perused the same and satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

Mr. S. Dutta, learned counsel for the respondents has also no objection if delay is condoned.

In view of the above, the delay of 147 days in filing the connected MAC appeal is hereby condoned.

With the above the I.A. stands allowed and disposed of .

JUDGE

Comparing Assistant