

GAHC010207622023



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

Case No. : I.A.(Civil)/2909/2023

HORIZON MARKETING AND ANR.
A PROPRIETORSHIP FIRM HAVING ITS OFFICE AND PRINCIPAL PLACE OF
BUSINESS AT R.G BARUAH ROAD, SUNDARPUR, JAPORIGOG, GUWAHATI
5, REPRESENTED BY ITS PROPRIETOR SHRI ASHOK AGARWAL

2: SHRI ASHOK AGARWAL
S/O LATE ISHWARLAL AGARWAL

RESIDENT OF R.G BARUAH ROAD
SUNDARPUR
JAPORIGOG
GUWAHATI 5
PROPRIETOR OF PET. NO.

VERSUS

THE STATE OF ASSAM AND 9 ORS
REPRESENTED BY ITS SECRETARY, WATER RESOURCE DEPARTMENT,
GOVT. OF ASSAM,DISPUR GUWAHATI 06

2:THE CHIEF SECRETARY TO THE GOVT. OF ASSAM

DISPUR
GUWAHATI 06

3:THE ADDITIONAL CHIEF SECRETARY
GOVT. OF ASSAM
REVENUE AND DISASTER MANAGEMENT (G) DEPARTMENT
CHANDMARI
GUWAHATI 03

4:THE PRINCIPAL SECRETARY
GOVT. OF ASSAM
REVENUE AND DISASTER MANAGEMENT (G) DEPARTMENT

CHANDMARI
GUWAHATI 03

5:THE SECRETARY TO THE GOVT. OF ASSAM

WATER RESOURCE DEPARTMENT
DISPUR GUWAHATI 06

6:THE CHIEF ENGINEER

WATER RESOURCE DEPARTMENT
CHANDMARI
GUWAHATI 03

7:THE ADDITIONAL CHIEF ENGINEER
LOWER ASSAM ZONE
WATER RESOURCE DEPARTMENT
CHANDMARI
GUWAHATI 03

8:THE SUPERINTENDING ENGINEER

MUKALMUA PROTECTION WATER RESOURCE CIRCLE
MUKALMUA
DIST BARPETA
ASSAM

9:THE EXECUTIVE ENGINEER

BARPETA WATER RESOURCE DIVISION
BARPETA

10:THE DEPUTY COMMISSIONER

BARPETA
ASSA

Advocate for the Petitioner : MR. S P ROY

Advocate for the Respondent : GA, ASSAM

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

31.05.2024

Heard Mr. S.P. Roy, learned counsel appearing for the applicants. Also heard Mr. C. Sarma, learned counsel representing Respondent Nos.1, 5, 6, 7, 8 and 9. Mrs. B.D. Barman, learned counsel appears for Respondent Nos.2 and 10.

Today, none has appeared for Respondent Nos.3 and 4.

This is an application under Section 5 of the Limitation Act praying for condonation of 50 days of delay in preferring the connected MAC Appeal.

The learned counsel for the respondents Mr. Sarma has already filed an objection.

The primary ground taken for delay is that the applicant No.2 Ashok Agarwal was suffering from liver cirrhosis and he was under medical treatment. Several medical documents are submitted in order to prove the aforesaid ground.

Mr. Sarma has submitted that though the applicant no.2 himself was suffering from liver cirrhosis, his lawyer could have taken necessary steps.

I have considered the submissions made by the learned counsel of both sides.

I find that the delay has been properly and satisfactorily explained.

Therefore, the delay stands condoned.

The connected MAC Appeal shall be registered and listed for Admission hearing.

The Interlocutory Application is disposed of.

JUDGE

Comparing Assistant