

GAHC010209082023



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

I.A.(Civil)/2897/2023 In
MFA/10363/2023 (filing number)

UNION OF INDIA
MALIGAON GUWAHATI 781001, KAMRUP(M), ASSAM

VERSUS

HABI SHEIKH AND ANR
S/O LATE JANAB ALI,
RESIDENT OF VILLAGE KABAITARI, PS JOGIGHOPA, DIST BONGAIGAON,
ASSAM
TEMPORARY ADDRESS RAJAGHAT, PO KUROBAHA, PS PATACHARKUCHI,
DIST BARPETA, ASSAM.

2:MOIFUL NESSA
W/O HABU SHEIKH

RESIDENT OF VILLAGE KABAITARI
PS JOGIGHOPA
DIST BONGAIGAON
ASSAM
TEMPORARY ADDRESS RAJAGHAT
PO KUROBAHA
PS PATACHARKUCHI
DIST BARPETA
ASSAM

Advocate for the Petitioner : MR H GUPTA

Advocate for the Respondent : MR J MOLLAH

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

19.06.2024.

Heard Shri H Gupta, learned counsel for the applicant, who by means of this application filed under Section 5 of the Limitation Act, 1963, has prayed for condonation of delay of 482 days in preferring the connected appeal against the judgment and order dated 07.02.2022 in WC Case No.07/2018 passed by the learned Commissioner, Employee's Compensation, Barpeta.

Shri Gupta, learned counsel by referring to the averments made in the application has submitted that due to certain office formalities, the delay has occurred which is not intentional.

Shri J Mollah, learned counsel for the opposite party has submitted that the grounds cited are not sufficient and therefore, the application is liable to be dismissed.

A perusal of the averments made in the petition would show that the delay has occurred due to certain office formalities. The reasons are not specific and do not inspire confidence. At the same time, the right to prefer an appeal cannot be held to be extinguished because of technicalities.

In view of the aforesaid facts and circumstances, this Court is of the opinion that interest of justice would be served if the delay is condoned, however, with certain conditions.

Accordingly, the delay of 482 days in preferring the connected appeal is condoned subject to payment of cost of Rs. 5000/-. The cost is to be deposited in the Gauhati High Court Bar Association Welfare Fund.

The interlocutory applications accordingly stands disposed of.

JUDGE

Comparing Assistant