

GAHC010239092019



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

Case No. : I.A.(Civil)/3895/2019

THE NATIONAL INSURANCE COMPANY LIMITED
REGISTERED HEAD OFFICE AT 3, MIDDLETON STREET, CALCUTTA-
700071, REPRESENTED BY THE MANAGER, GAUHATI REGIONAL OFFICE,
BHANGAGARH, GUWAHATI-781005

VERSUS

SMTI. REEMA PAUL AND 3 ORS.
D/O GOPAL CHANDRA PAUL, R/O VILL AND P.O.-NAHERBARI, P.S.-
GHAGRAPAR, DIST-NALBARI, ASSAM, PIN-781349

2:JYOTIRMOY PAUL
S/O GOPAL CHANDRA PAUL
R/O VILL AND P.O.-NAHERBARI
P.S.-GHAGRAPAR
DIST-NALBARI
ASSAM PIN-781349

3:GAOPAL CHANDRA PAUL
S/O LATE MAN MOHAN PAUL
R/O VILL AND P.O.-NAHERBARI
P.S.-GHAGRAPAR
DIST-NALBARI ASSAM PIN-781349 (OWNER)

4:NAYAN BARMAN
S/O SRI RAMESH BARMAN
R/O VILL-NAYABASTI
P.O.-SIMLABARI
P.S.-BARBARI DIST-BAKSA (BTAD)
ASSAM PIN-781372 (DRIVER)

Advocate for the Petitioner : MS. R D MOZUMDAR

Advocate for the Respondent : MR M CHOUDHURY (r- 1 to 4)

Linked Case :

THE NATIONAL INSURANCE COMPANY LIMITED

VERSUS

SMTI. REEMA PAUL AND 3 ORS

Advocate for :

Advocate for : appearing for SMTI. REEMA PAUL AND 3 ORS

**BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG**

ORDER

Date : 21.02.2024

Heard Ms. R. D. Mozumdar, learned counsel for the applicant/appellant.

Office note dated 19.07.2023 indicates that the notice upon the respondent Nos. 1, 2 and 3 have been duly served and signed by them and in respect of the respondent No. 4, the notice was also received personally. However, no one appears for the respondents.

In view of the above, the notice upon the respondent Nos. 1, 2, 3 and 4 is deemed to be completed.

The applicant filed this application under Section 173 of the MV Act, 1988, read with Section 5 of the Limitation Act, 1963, praying for condoning the delay of 76 days in filing the connected appeal against the judgment dated 29.03.2019 passed by the learned Member, MACT, Barpeta, Assam, in MAC Case No. 4/2018.

The cause of delay in filing the accompanying appeal has been explained in paragraphs 3, 4, 5, 6, 7, 8, 9 & 10.

On perusal of the above explanation, the same constituted sufficient

cause for the delay in filing the accompanying appeal and there is no laches and negligence on the part of the applicant/appellant and, as such, the delay of 76 days in filing the accompanying appeal is hereby condoned.

In view of the above, this I.A. stands disposed of.

Registry shall register the connected appeal and list the same for admission.

JUDGE

Comparing Assistant