

GAHC010240272023



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

Case No. : I.A.(Civil)/2888/2024

PUTU RAM BORO
S/O LATE DHANU BORO,
VILL.- RUDRESWAR,
P.S.- CHANGSARI,
DIST.- KAMRUP, ASSAM.

VERSUS

MUSST. REHANA BEGUM AND 5 ORS.
W/O LATE TAIJUDDIN AHMED

2:MD. IFTARUDDIN AHMED
S/O LATE TAIJUDDIN AHMED

3:MD. ISTABUDDIN AHMED
S/O LATE TAIJUDDIN AHMED

4:MD. IRFAN AHMED
MINOR
REP. BY MOTHER MUSSTT REHANA BEGUM

S/O LATE TAIJUDDIN AHMED

ALL ARE RESIDENTS OF VILL.- SIMELIBARI

P.S.- BAIHATA CHARIALI
DIST.- KAMRUP ASSAM.

5:THE NEW INDIA ASSURANCE CO. LTD.
REP. BY THE REGIONAL MANAGER.

6:PUTU RAM BORO

S/O LATE DHANU BORO

VILL.- RUDRESWAR

P.S.- CHANGSARI

DIST.- KAMRUP ASSAM

Advocate for the Petitioner : MR. M GOSWAMI,

Advocate for the Respondent : ,

**BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG**

ORDER

Date : 24-09-2024

Heard Mr. M. Goswami, learned counsel for the applicant. I have also heard Mr. S. Hussain for the appellant/respondent, Ms. A. Biyani, learned counsel for the respondent No.5 and Mr. R. Sarma, learned counsel for the respondent No.6.

This is an application under section 5 of the Limitation Act praying for condonation of delay for filing the restoration petition.

The learned counsel for the applicant submits that by order dated 26.4.2023 passed by this Court, the I.A filed for condonation of delay in filing the MC was dismissed for non prosecution. However, the applicant could not file restoration petition immediately after the dismissal. Hence, there has been some delay in the process. The grounds for delay in not filing the application is stated in paragraph 6,7, and 9.

Having heard and upon perusal of the averment made in the above

paragraph, I am of the view that the applicant was prevented by sufficient cause for not preferring the application on time. Moreover, the respondents have no objection for condonation of delay.

In view of above, delay of 139 days in filing the restoration petition is hereby condoned.

With the above, the application stands disposed of.

JUDGE

Comparing Assistant