

GAHC010243662023



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

**Case No. : I.A.(Civil)/3269/2023**

BIRJEET SINGH  
S/O SRI BIJOY SINGH,  
RESIDENT OF TARUN NAGAR, BYE LANE NO. 5, PO CHRISTIAN BASTI, PS  
BHANGAGARH, DIST KAMRUP , ASSAM 781005

VERSUS

M/S ORIENTAL INSURANCE CO LTD AND ANR.  
HAVING ITS OFFICE AT GODREJ BUILDING, ULUBARI, BESIDE FLYOVER,  
GS ROAD, GUWAHATI 781007, ASSAM

2:SRI ARNAB JYOTI DEVA SARMA  
S/O DHANESWAR DEVA SARMA  
RESIDENT OF WARD NO. 1  
NEAR HOSPITAL  
PO AND PS GAURIPUR  
DIST DHUBRI  
ASSAM 78333

**Advocate for the Petitioner : MR N BARMAN**

**Advocate for the Respondent : MR SISHIR DUTTA (R-2)**

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

**ORDER**

**24.06.2024**

Heard Ms. S.B. Choudhury, learned counsel for the applicant, who by

means of this application has prayed for condonation of delay of 193 days in preferring the connected appeal against the judgment and order dated 06.01.2023 passed by the learned Member, Motor Accident Claims Tribunal No.3, Kamrup (M) in MAC Case No. 556/2016. The applicant is the claimant, who in the appeal has prayed for enhancement of the Award.

2. The learned counsel, by referring to the averments made in paragraphs 3 and 4 of the application, has submitted that the delay in preferring the appeal is not intentionally and had occasioned for certain cogent reasons.

3. Ms. M. Choudhury, learned counsel for the respondent - Insurance Company has however submitted that the delay is substantial of 193 days and has not been properly explained.

4. This Court on perusal of the averments has noticed that certain reasons have been cited that the advocate concerned had to go for medical treatment outside the State and thereafter, a different advocate had to be engaged.

5. Considering the above, the delay in preferring the appeal is condoned and the I.A. accordingly stands allowed.

**JUDGE**

**Comparing Assistant**