

GAHC010248882023



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

Case No. : I.A.(Civil)/3290/2023

NATIONAL INSURANCE COMPANY LIMITED
HAVING ITS REGISTERED OFFICE AND HEAD OFFICE AT 3, MIDDLETON
STREET, KOLKATA AND ITS REGIONAL OFFICE AT BHANGAGARH, G.S.
ROAD, GUWAHATI- 781005 REPRESENTED BY THE CHIEF REGIONAL
MANAGER, GUWAHATI REGIONAL OFFICE.

VERSUS

DINESH CH. RAY AND 3 ORS.
S/O LATE BARADA KT. RAY,
VILL.- BALADMARI BIHU FIELD, GOLAPARA TOWN, P.O.- BALADMARI,
P.S.- GOALPARA, DIST.- GOALPARA, ASSAM, PIN- 783121.

2:PRABHATI RAY
W/O DINESH CH. RAY

VILL.- BALADMARI BIHU FIELD
GOLAPARA TOWN
P.O.- BALADMARI
P.S.- GOALPARA
DIST.- GOALPARA
ASSAM
PIN- 783121.

3:ARINDAM SARKAR
S/O LATE AMAR KR. SARKAR

R/O WARD NO. 4
GOURIPUR
P.O.- GOURIPUR
P.S.- GOURIPUR
DIST.- DHUBRI

ASSAM
PIN- 783331

4:ASHRAFUL HOQUE
S/O MIAZUDDIN

VILL.- GERAMARI PT- 1
P.O.- GOURIPUR
P.S.- GOURIPUR
DIST.- DHUBRI
ASSAM
PIN- 783331

Advocate for the Petitioner : MR T KALITA, MR. A KAKATI

Advocate for the Respondent : MR. P HAZARIKA (R-1,2), MR. H S BORAH (R-1,2)

Linked Case :

NATIONAL INSURANCE COMPANY LTD.

VERSUS

DINESH CH RAY AND 3 ORS E

Advocate for : MR T KALITA
Advocate for : appearing for DINESH CH RAY AND 3 ORS E

BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 05-08-2024

Heard Mr. J. Kotoki, learned counsel for the applicant. I have also heard

Mr. P. Hazarika, learned counsel for the respondent nos. 1 and 2.

This is an application under section 5 of the Limitation Act, 1963 read with section 173 of the MV Act praying for condonation of delay of 68 days in filing the connected appeal against the judgment and order dated 25.05.2023 passed by the learned MACT, Goalpara in MAC case no. 444/2019.

The ground for not filing the connected appeal within the stipulated time has been explained in para 3 and 4 of the application.

Upon consideration, I am satisfied that the applicant has shown sufficient cause for not filing the connected appeal within the stipulated time. Moreover, the learned counsel for the respondent has no objection if the delay of 68 days is condoned.

In view of the above, the delay of 68 days in filing the connected appeal is hereby condoned.

With the above, this I.A stands disposed of.

The Registry to register the connected appeal and list it on a date to be fixed by the Registry.

JUDGE

Comparing Assistant