

GAHC010249952023



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

Case No. : I.A.(Civil)/3529/2023

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

PANKAJ JYOTI BARMAN AND 3 ORS.
S/O HAR KUMAR BARMAN,
VILL.- CHAPRAKATA PT- II,
P.S.- BONGAIGAON, DIST.- BONGAIGAON, ASSAM, PIN- 783380.

2:SAIFUL HOQUE
S/O ANTAL HOQUE

VILL.- BORTOLOWA
P.O.- DHALIGAON
P.S.- DHALIGAON
DIST.- CHIRANG
BTAD
ASSAM
PIN- 783385.

3:MOTLEB ALI
S/O ANTAL HOQUE

VILL.- BORTOLOWA
P.O.- DHALIGAON
P.S.- DHALIGAON
DIST.- CHIRANG
BTAD

ASSAM
PIN- 783385.

4:HAR KUMAR BARMAN
S/O LATE MANYU RAM BARMAN

VILL.- CHAPRAKATA PT- II

P.S.- BONGAIGAON
P.O.- CHAPRAKATA
DIST.- BONGAIGAON
ASSAM
PIN- 783380

Advocate for the Petitioner : MR T KALITA

Advocate for the Respondent : MR. M KHAN (R-1,4)

BEFORE
HONOURABLE MRS. JUSTICE MARLI VANKUNG

ORDER

Date : 31.05.2024

Heard Mr. T. Kalita, learned counsel for the applicant/ appellant along with Ms. J. Aktar, learned counsel appearing for the respondent nos. 1 & 4. None has appeared for the respondent nos. 2 & 3. However, it is seen that the Lawazima Court in its order dated 20.02.2024 has observed that service of notice upon respondent Nos. 2 & 3 is deemed to be complete.

The learned counsel for the applicant submits that the instant I.A.(Civil) has been filed with regard to the condonation of delay of 34 days in preferring the appeal against the judgment and order dated 23.05.2023 passed by the learned Member, MACT, Bongaigaon in MAC Case No. 130/2019. The learned counsel, further, submits that the instant appeal is with regard to the quantum of the award and that the claimant being duly represented the presence of respondent Nos. 2 & 3 may not be required in the instant case.

The learned counsel for the applicant submits that the reasons for delay of 34 days in filing the appeal has been explained in paragraphs 4,5,6 & 7 of the application wherein the main ground for the delay is the time taken in procuring the necessary document in filing the appeal against the impugned judgment and order dated 23.05.2023.

The learned counsel for the respondent nos. 1 & 4 has submitted that they have no objection if the delay is condoned.

Having heard the learned counsel appearing for both the parties and on perusal of paragraphs 4,5,6 & 7 of the application, this Court finds that the delay of 34 days has been satisfactorily explained in the abovementioned paragraphs and there is no laches and negligence on the part of the applicant.

In view of above, the delay in filing the appeal is condoned and the I.A.(Civil) is disposed of.

Office to register the appeal and be listed for admission.

Registry is to reflect the name of Mr. M. Khan, learned counsel for the respondent nos. 1 & 4 in the cause list.

JUDGE

Comparing Assistant