

GAHC010254392019



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

Case No. : I.A.(Civil)/3592/2019

NEW INDIA ASSURANCE COMPANY LTD.,
HAVING ITS REGISRERED AND HEAD OFFICE AT NEW INDIA ASSURANCE
BUILDING, 87, MAHATMA GANDHI ROAD, FORT, MUMBAI-400001 AND
REGIONAL OFFICE AT G.S. ROAD GUWAHATI-5 REP. BY THE CHIEF
REGIONAL MANAGER

VERSUS

SMTI. JUNU KALITA AND 5 ORS
W/O LT.HIREN KAKATI (WIFE OF THE DECEASED) R/O VILL.
DORAKAHARA, P.S. CHANGSARI, DIST. KAMRUP (ASSAM)

2:MINAKSHI KAKATI
D/O LT. HIREN KAKATI
R/O VILL. DORAKAHARA
P.S. CHANGSARI
DIST. KAMRUP (ASSAM)

3:ABHIJIT KAKATI
S/O LT. HIREN KAKATI
R/O VILL. DORAKAHARA
P.S. CHANGSARI
DIST. KAMRUP (ASSAM)

4:JITUMONI KAKATI
S/O LT. HIREN KAKATI
R/O VILL. DORAKAHARA
P.S. CHANGSARI
DIST. KAMRUP (ASSAM)

Advocate for the Petitioner : MR SISHIR DUTTA

Advocate for the Respondent :

Linked Case :

NEW INDIA ASSURANCE COMPANY LTD.

VERSUS

SMTI. JUNU KAKATI AND 5 ORS

Advocate for :

Advocate for : appearing for SMTI. JUNU KAKATI AND 5 ORS

**BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG**

ORDER

Date : 21-02-2024

Heard Mr. S. Dutta, learned counsel for the applicant.

Office note dated 27.06.2023 indicates that the service of notice upon the respondent nos. 1, 2, 3 and 4 were received by them, however, no one appears on behalf of the said respondents.

Earlier by an order dated 13.02.2023, the names of respondent nos. 5 and 6 has been struck off from cause title of the appeal memo.

In view of the above, the notice upon the respondent nos. 1, 2, 3 and 4 are treated to have been completed.

The applicant filed this application under section 173 second proviso to

the Motor Vehicle Act, 1988 read with section 5 of the Limitation Act, 1963, for condoning the delay of 17 days in filing the connected appeal against the judgment and order dated 13.06.2019 passed by the learned Member, MACT, Kamrup, Amingaon in MAC case no. 41/2018.

The cause of the delay has been explained in para 5 of the application. The explanation given in the said paragraph constitute a sufficient cause for delay in filing the appeal and there is no laches or negligence on the part of the applicant, and the applicant was prevented by a sufficient cause in not preferring the connected MAC appeal within the stipulated time period.

In view of the above, the delay of 17 days in filing the appeal is hereby condoned.

With the above observation, this IA stands allowed and disposed of.

The Registry shall register the appeal and list it for admission.

JUDGE

Comparing Assistant