

GAHC010260802022



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

Case No. : I.A.(Civil)/91/2023

RENU GOWALA
W/O LATE MADAN GOWALA,
RESIDENT OF VILLAGE SANIPARA KADAM, PO AND PS BOGINODI, DIST
LAKHIMPUR, ASSAM

VERSUS

ORIENTAL INSURANCE COM. LTD AND 2 ORS
REPRESENTED BY REGIONAL MANAGER, GUAHATI GS ROAD, ULUBARI,
ASSAM

Advocate for the Petitioner : B R DAS

Advocate for the Respondent : MR SISHIR DUTTA (OP1)

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

08.05.2024

Heard Mr. B.R. Das, learned counsel appearing for the applicant. Also heard Ms. M. Choudhury, learned counsel representing Respondent No.1.

2. This is an application under Section 5 of the Limitation Act praying for

condonation of 2169 days of delay in preferring the connected appeal.

3. The MAC Case No.77/2012 was disposed of on 20.09.2014 by the learned Tribunal situated at North Lakhimpur. Thereafter, on expiry of 1415 days of delay, the MAC Appeal No.16(AP)/2018 was filed before the Itanagar Permanent Bench of this Court.

4. On 08.01.2020, this Court held that since the Tribunal is situated within the State of Assam, therefore, the Permanent Bench situated at Arunachal Pradesh does not have the jurisdiction.

5. Thereafter, COVID-19 came in and the applicant also became ill.

6. I have gone through the application filed by the applicant as well as objection filed by the Insurance Company.

7. I am of the considered opinion that the delay has not been properly explained. Accordingly, the application under 5 of the Limitation Act is found to be devoid of merit and stands rejected.

The Interlocutory Application is disposed of.

JUDGE

Comparing Assistant