

GAHC010262722022



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

Case No. : I.A.(Civil)/131/2023

RUBI CHETIA @ MOHAN
W/O SRI DEEP CHETIA,
RESIDENT OF RAMU GAON, SIMALUGURI, WARD NO. 2, PS SIMALUGURI,
DIST SIVASAGAR, ASSAM

VERSUS

THE ORIENTAL INSURANCE COMPANY LTD AND 2 ORS
REGIONAL OFFICE, GS ROAD, ULUBARI, GUWAHATI 7, KAMRUP M
ASSAM, TO BE REPRESENTED BY ITS REGIONAL MANAGER

2:MD. TOFIQUDDIN AHMED
S/O LATE TAMIZUDDIN AHMED

RESIDENT OF DHAI ALI
WARD NO. 1
PS AND DIST SIVASAGAR
ASSAM
785640

3:MD. MOSHIN ALI

S/O MD. M. ALI

RESIDENT OF JAENGONI KOTIA
BONIABARI
PS AND DIST SIVASAGAR
ASSAM
78568

Advocate for the Petitioner : MR. R BORUAH

Advocate for the Respondent :

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

05.04.2024

Heard Mr. R. Baruah, learned counsel appearing for the applicant.

Seen the Office Note dated 15.06.2023.

Service of notice in respect of Respondent Nos.1 and 2 is already complete. None appears for them.

Mr. Baruah submits that Respondent No.3 was the driver of the concerned vehicle and for hearing of this appeal he need not be heard.

Mr. Baruah, therefore, requested that the name of the Respondent No.3 should be struck off from this application.

Accordingly, the name of Respondent No.3 is struck off this application at the risk of the applicant.

This is an application under Section 5 of the Limitation Act praying for condonation of 28 days of delay in preferring the connected MAC Appeal.

I have found that the delay has been satisfactorily explained. Accordingly, the delay stands condoned.

The connected MAC Appeal shall be registered and listed for Admission hearing.

The Interlocutory Application stands disposed.

JUDGE

Comparing Assistant