

GAHC010263372022



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

Case No. : I.A.(Civil)/3841/2022

PROJEK RABHA @ PRAJEET RABHA
S/O LATE JABLEN RABHA,
VILL.- SUWAMARI,
P.O.- SUWAMARI,
DIST.- NORTH GARO HILLS, MEGHALAYA.

VERSUS

NATIONAL INSURANCE COMPANY LIMITED AND 2 ORS .
REP. BY ITS DIVISIONAL MANAGER, BONGAIGAON DIVISION,
P.O.- BAONGAIGAON,
P.S.- BONGAIGAON IN THE DISTRICT OF BANFGAIGAON, ASSAM- 783380.

2:MAROMI TALUKDAR
W/O ABALA TALUKDAR

R/O CHHAYGAON

P.O.- CHHAYGAON UNDER CHHAYGAON P.S. IN THE DIST. OF KAMRUP
ASSAM- 781124.

3:ANANTA NATH
S/O LATE PRABIN NATH
R/O BATAKUCHI

P.O.- CHHAYGAON UNDER CHHAYGAON P.S. IN THE DIST. OF KAMRUP
ASSAM- 781124

Advocate for the Petitioner : MR. DITUL DAS, MR. B J TALUKDAR

Advocate for the Respondent : ,

In

MACApp. Case No. 15264/2019 (Filing Number)

PROJEK RABHA @ PRAJEET RABHA

VERSUS

NATIONAL INSURANCE COMPANY LIMITED AND 2 ORS

Advocate for :

Advocate for : appearing for NATIONAL INSURANCE COMPANY LIMITED AND
2 ORS

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

19.09.2024

1. Heard Mr. D. Das, learned counsel for the applicant. None has appeared for the respondents, though notices were duly served on them and several opportunities were granted to the respondents to appear in this case. Therefore, this Court intends to proceed with the hearing of this Interlocutory Application. This Interlocutory Application has been filed by the applicant, Projek Rabha @ Prajeet Rabha under Section 5 of the Limitation Act, 1963 for condoning the delay of 64 days in filing the connected MAC Appeal, whereby the applicant intends to impugn the judgment and order dated 13.05.2019, passed by the learned Member, Motor Accident Claims Tribunal, Goalpara in MAC

Case No. 02/2017, awarding a compensation amount of Rs. 3,500/- only to the claimant for injury sustained by him in a motor vehicle accident.

2. The learned counsel for the applicant has submitted that the applicant was handicapped due to injuries sustained by him in the accident and due to his sickness and as he was suffering from traumatic experiences, he was unable to engage a counsel in due time.

3. I have considered the submissions made by the learned counsel for the applicant.

4. It appears that the cause shown in paragraph Nos. 4 and 5 of the application under Section 5 of the Limitation Act filed by the applicant appears to be sufficient cause explaining the delay of 64 days in preferring the connected MAC Appeal. Hence, this Interlocutory Application is hereby allowed and the delay of 64 days in preferring the connected appeal is hereby condoned.

5. Let the connected MAC Appeal be registered and be listed again for admission after a week, on a date to be fixed by the Registry.

6. This Interlocutory Application is accordingly disposed of.

JUDGE

Comparing Assistant