

GAHC010263482023



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

Case No. : I.A.(Civil)/3501/2023

CHOLAMANDALAM MS GENERAL INSURANCE COMPANY LIMITED
HAVING ITS REGISTERED OFFICE AND HEAD OFFICE AT SHAW WALLACE
BUILDING NEW NO. 319, OLD NO. 154, 2ND FLOOR, THAMBU CHETTY,
CHENNAI, PIN- 600001, INDIA, ITS ZONAL OFFICE AT OFFICE NO. 201 AND
202 L AND T CHAMBERS, 2ND FLOOR, 16 CAMAC STREET, KOLKATA-
700017 AND ITS GUWAHATI REGIONAL OFFICE AT 4TH FLOOR, AASTHA
PLAZA, BORA SERVICE, G.S. ROAD, GUWAHATI, KAMRUP (M), ASSAM-
781007 REPRESENTED BY THE DEPUTY MANAGER LEGAL CLAIMS OF
GUWAHATI REGIONAL OFFICE.

VERSUS

RALDOKUNG HMAR AND 5 ORS.
S/O LATE KHULA HMAR,
VILL.- CHUR PUNJEE, BEITE, P.O.- JIRIGHAT, P.S.- JIRIGHAT, DIST.-
CACHAR, ASSAM, PIN- 788104.

2:LALREM KIM HMAR
W/O MR. RALDOKUNG HMAR

VILL.- CHUR PUNJEE
BEITE
P.O.- JIRIGHAT
P.S.- JIRIGHAT
DIST.- CACHAR
ASSAM
PIN- 788104.

3:MASTER LALZAUM
S/O RALDOKUNG HMAR

VILL.- CHUR PUNJEE

BEITE
P.O.- JIRIGHAT
P.S.- JIRIGHAT
DIST.- CACHAR
ASSAM
PIN- 788104.
(BEING MINOR
REP. BY THE RESPONDENT NO. 1).

4:LALRUOTFEL
D/O RALDOKUNG HMAR

VILL.- CHUR PUNJEE
BEITE
P.O.- JIRIGHAT
P.S.- JIRIGHAT
DIST.- CACHAR
ASSAM
PIN- 788104.
(BEING MINOR
REP. BY THE RESPONDENT NO. 1).

5:SUMAI RAJA LASKAR
S/O ABDUL KALAM LASKAR

VILL.- SATRAYDAYAL

P.O.- KANAKPUR EAST
P.O.- JAYPUR
DIST.- CACHAR
ASSAM
PIN- 788107.

6:ANJAN BARMAN
S/O SRI KANANTA BARMAN

VILL.- KUMCHERRA

P.O.- KANAKPUR EAST
P.O.- JAYPUR
DIST.- CACHAR
ASSAM
PIN- 788107

Advocate for the Petitioner : MR T KALITA, MR. A KAKATI

Advocate for the Respondent : MR. S K SINGHA (r-1,2), MR. M K NEOG(r-1,2)

**BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG**

ORDER

Date : 07-08-2024

Heard Mr. A. Kakati, learned counsel for the applicant. I have also heard Mr. S.K. Singha, learned counsel appearing on behalf of respondent Nos. 1 to 4.

This is an application under Section 5 of the Limitation Act, 1963 read with Section 173 of Motor Vehicle Act, 1988 praying for condonation of delay of 134 days in filing the connected appeal against the judgment and order dated 04.03.2023 passed by the learned Member, Motor Accident Claims Tribunal, Cachar at Silchar in MAC Case No. 612/2019.

The ground for delay in filing the connected appeal has been explained in paragraphs 3, 4, 5 & 6 of the application stating that there was no deliberate negligence on the part of the applicant. The applicant has shown sufficient cause for not preferring the connected appeal within stipulated time.

Moreover, the learned counsel appearing on behalf of the respondent No. 2 has no objection in condoning the delay of 134 days in filing the connected appeal.

In view of the above, the delay of 134 days in filing the connected appeal is hereby condoned.

With the above, the IA stands disposed of.

The Office shall register the connected appeal and list for admission on a date to be fixed by the Registry.

The applicant shall furnish extra copy at main appeal memo to the learned counsel for the respondents within 2 (two) days from today.

JUDGE

Comparing Assistant