

GAHC010265712023



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

Case No. : I.A.(Civil)/3547/2023

NEW INDIA ASSURANCE COMPANY LIMITED
A PUBLIC SECTOR UNDERTAKING COMPANY REGISTERED AND
INCORPORATED UNDER THE COMPANIES ACT, 1956 HAVING ITS
REGISTERED OFFICE AT 87 MAHATMA GANDHI ROAD, FORT MUMBAI
400001 WITH ONE OF THE REGIONAL OFFICE AT STAR CITY COMPLEX,
5TH FLOOR, LACHIT NAGAR, GS ROAD, ULUBARI, GUWAHATI 781007,
REPRESENTED BY ITS REGIONAL MANAGER, GUWAHATI ASSAM

VERSUS

DAULATIA DEVI AND ANR.
W/O LATE SAHEB SAHANI,
RESIDENT OF VILLAGE BASANTPUR PATTI, PO BOKHARA, PS SARIYA,
DIST MAZAFFARPUR, BIHAR, 843318

2: SRI SANTOSH KR. SARMAH
S/O KISHORE NATH SARMAH
RESIDENT OF VILLAGE LAWKHOWA ROAD
HAIBARGAON
PO AND PS NAGAON
ASSAM 78200

Advocate for the Petitioner : MR. R C PAUL

Advocate for the Respondent : K U AHMED

Linked Case :

NEW INDIA ASSURANCE COMPANY LIMITED

VERSUS

DAULATIA DEVI AND ANR. E

Advocate for : MR. R C PAUL
Advocate for : appearing for DAULATIA DEVI AND ANR. E

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Advocate for : appearing for DAULATIA DEVI AND ANR. E

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 18.01.2024

Heard Mr. R.C. Paul, learned counsel for the appellant/applicant and Mr. K. U. Ahmed, learned counsel for the respondent No.1/ claimant (Caveator). None appears for the respondent No. 2.

This is an application filed under Section 5 of the Limitation Act, 1963 for

condoning the delay of 248 days in filing the connected appeal against the impugned judgment and order dated 08.02.2022, passed by the learned Commissioner, Employee's Compensation, Nagaon, in NEC Case No. 16/2019.

As per office note dated 11.01.2024, the addressee has not been found available in the place. However, learned counsel for the applicant submits that the presence of respondent No. 2 is not required to dispose of the matter and therefore prays to strike out the name of the respondent No. 2 from the list of the respondents.

In view of the above, the name of the respondent No. 2 is struck off from the array of the respondents.

The learned counsel for the applicant has explained the causes of delay in this application and which is not objected by the learned counsel for the respondent No. 1/ claimant.

Considering the submissions of the learned counsel for the parties, the prayer to condone the delay is allowed. The delay of 248 days is, therefore, condoned.

The Registry is directed to register the connected appeal and list the matter for admission after two weeks.

The I.A. stands disposed of.

JUDGE

Comparing Assistant