

GAHC010268752023



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

Case No. : I.A.(Civil)/3818/2023

JAMUNA NEWAR AND 4 ORS.
W/O LATE BABALU @ BABLU NEWAR,
RESIDENT OF VILLAGE FOREST COLONY, BALIJAN, PS DIGBOI, DIST
TINSUKIA, ASSAM

2: AYUSH NEWAR
S/O LATE BABALU @ BABLU NEWAR

RESIDENT OF VILLAGE FOREST COLONY
BALIJAN
PS DIGBOI
DIST TINSUKIA
ASSAM
TO BE REP. BY PET. NO. 1

3: PALAK NEWAR
D/O LATE BABALU @ BABLU NEWAR

RESIDENT OF VILLAGE FOREST COLONY
BALIJAN
PS DIGBOI
DIST TINSUKIA
ASSAM
TO BE REP. BY PET. NO. 1

4: MINU NEWAR
W/O PREM BAHADUR NEWAR

RESIDENT OF VILLAGE FOREST COLONY
BALIJAN
PS DIGBOI
DIST TINSUKIA
ASSAM

5: PREM BAHADUR NEWAR
S/O LATE DHAN BAHADUR NEWAR
RESIDENT OF VILLAGE FOREST COLONY
BALIJAN
PS DIGBOI
DIST TINSUKIA
ASSA

VERSUS

ORIENTAL INSURANCE COMPANY LTD AND ANR.
REGIONAL OFFICE GUWAHATI ULUBARI, GS ROAD, PO GUWAHATI
781007, DIST KAMRUP M ASSAM

2:REHAN UDDIN
S/O SAHABUDDIN ALI

RESIDENT OF VILLAGE LEDO
BAZAR BASTI
PS MARGHERITA
786182
DIST TINSUKIA
ASSA

Advocate for the Petitioner : MR. A R AGARWALA, MR ADITYA AGARWALA,MD. K ALI

Advocate for the Respondent : MS L SHARMA(R-1),

Linked Case :

JAMUNA NEWAR AND 4 ORS.

VERSUS

ORIENTAL INSURANCE COMPANY LTD AND ANR. A

Advocate for : MR. A R AGARWALA
Advocate for : appearing for ORIENTAL INSURANCE COMPANY LTD AND ANR.

A

**BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG**

ORDER

Date : 09-08-2024

Heard Mr. A. R. Agarwala, learned counsel for the applicant.

No one appears on behalf of the respondent although the name of Ms. L. Sharma, has been reflected as the learned counsel for the respondent no. 1 in the cause list.

The notice upon the respondent no. 2 returned with the postal remark, "No such person in this address"

Mr. A. R. Agarwala, learned counsel for the applicant submits that the connected appeal is for enhancement against the Insurance company as such, the presence of the respondent no. 2 for condonation of the delay is not necessary, hence, prays for striking off the name of respondent no. 2 from the array of the application.

The name of respondent no. 2 stands struck off from the array of the application at the risk of the learned counsel for the applicant.

This is an application filed under section 5 of the Limitation Act, 1963 for condonation of delay of 193 days in preferring the connected appeal against the judgment and order dated 29.10.2022, passed by the learned Member, MACT No. 2, Kamrup(M), Guwahati in MAC case no. 468/2019.

The ground for delay in not preferring the connected appeal on time has been explained in para 3, 4, 5 and 6 of the application.

Upon consideration of the above explanation, this Court is satisfied that the applicant has been able to show sufficient cause for not preferring the connected appeal within the stipulated time. Moreover, the respondent no. 1 appears to have no objection, as despite of receipt of the application has not filed any objection nor appeared to raise any objection.

In view of the above, the delay of 193 days in preferring the connected appeal is hereby condoned.

With the above, this IA stands disposed of.

The Office shall register the connected appeal, and list it for admission by reflecting the name of Ms. L. Sharma as the learned counsel for the respondent no. 1.

JUDGE

Comparing Assistant