

GAHC010268792023



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

Case No. : I.A.(Civil)/3831/2023

SUJIT PAUL @ SUJIT CH. PAUL
S/O LATE NIBARAN PAUL @ NIBARAN CH. PAUL,
VILL.- KANUAMARI, P.S.- SAMAGURI- 782140, DIST.- NAGAON (ASSAM).

VERSUS

UNITED INDIA INSURANCE COMPANY LTD. AND 2 ORS.
REGIONAL OFFICE, G.S. ROAD, CHRISTIAN BASTI, P.O.- GUWAHATI-
781005, DIST.- KAMRUP (M) (ASSAM).

2:KAMALESWAR BARUAH
S/O LATE PRABHAT BARUAH

VILL. AND P.O.- JAKHALABANDHA- 782136
DIST.- NAGAON (ASSAM).

3:ABDUL KALAM AZAD
S/O LATE PIYARANJAN

VILL.- NARTAM
P.O.- SADAR NAGAON- 782001
DIST.- NAGAON

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

Advocate for the Respondent : MR. M DUTTA (r-1), MS S DEV (r-1)

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

Date : 02.09.2024

- 1.** Heard Mr. A. R. Agarwala, learned counsel for the applicant. Also heard Ms. S. Dev, learned counsel for the respondent No. 1.
- 2.** This application under Section 5 of the Limitation Act, 1963 has been filed by the applicant for condoning the delay of 238 days in preferring the connected MAC appeal, whereby the applicant intends to impugn the judgment and order dated 11.01.2023 passed by the learned Member, Motor Accident Claims Tribunal No. 2, Kamrup(M), Guwahati in MAC Case No. 2666/2018.
- 3.** Though, on earlier occasion, the respondent No. 1 had sought time for filing written objection, however, no such written objection has been filed. The learned counsel for the respondent No. 1 has orally objected to the prayer for condoning the delay made by the applicant.
- 4.** The learned counsel for the applicant has submitted that the reasons for delay caused in preferring the connected appeal has been stated in paragraph Nos. 3, 4, 5, 6 and 7 of the condonation of delay petition.
- 5.** I have considered the submissions made by the learned counsel for both the sides and gone through the reasons shown by the applicant for the delay cause in preferring the connected MAC appeal.
- 6.** After considering the grounds mentioned for the delay, in paragraph Nos. 3, 4, 5, 6 and 7 of the condonation application for condoning the delay, this Court of considered opinion that delay of 238 days have been sufficiently

explained by the applicant in preferring the connected MAC appeal. Hence, this interlocutory application is hereby allowed and delay of 238 days is hereby condoned.

7. Let the MAC Appeal be registered and list the same for admission after one week.

8. The name of Mr. M. Dutta, learned counsel be also shown in the cause-list as counsel for the respondent No. 1 henceforth.

JUDGE

Comparing Assistant