

GAHC010276632023



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

Case No. : I.A.(Civil)/3689/2023

RUPALI CHUTIA PHUKAN AND 3 ORS.
W/O LATE MAJOR @ DIPAK PHUKAN,
VILL.- RANGPURIA,
P.S. AND DIST.- LAKHIMPUR- 787052.

2: ARNAB PHUKAN
S/O LATE MAJOR @ DIPAK PHUKAN

VILL.- RANGPURIA

P.S. AND DIST.- LAKHIMPUR- 787052.
(BEING MINOR
REP. BY HIS MOTHER APPELLANT NO. 1).

3: PRAMILA PHUKAN
W/O MIAH PHUKAN

VILL.- RANGPURIA

P.S. AND DIST.- LAKHIMPUR- 787052.

4: MIAH PHUKAN
S/O LATE NABIN PHUKAN

VILL.- RANGPURIA

P.S. AND DIST.- LAKHIMPUR- 787052

VERSUS

ICICI LOMBARD GENERAL INSURANCE CO. LTD AND 3 ORS.
MADHAB TOWER 3RD FLOOR, RUKMINIGAON G.S. ROAD, P.O.-
GUWAHATI- 781022, DIST.- KAMRUP (M) (ASSAM).

2:MD. ASHIS @ ASISH AHMED
S/O LATE MAHAMMAD ALI

VILL. AND P.O.- NO. 1
RANGAJAN
P.O. AND DIST.- NORTH LAKHIMPUR.

3:ANOWARA @ ANOWARA HUSSAIN
S/O ABDUL RAHMAN

VILL.- NALAKATA BOWALGURI
P.O.- BOGOLOAJAN- 787001
DIST.- NORTH LAKHIMPUR (ASSAM).

4:ICICI LOMBARD GENERAL INSURANCE CO. LTD
MADHAB TOWER
RUKMINIGAON G.S. ROAD
G.S. ROAD
GUWAHATI- 781022 (ASSAM)

Advocate for the Petitioner : MR. A R AGARWALA

Advocate for the Respondent : MS. P BORTHAKUR (R-1)

BEFORE
HONOURABLE MRS. JUSTICE MARLI VANKUNG

ORDER

Date : 27.05.2024

Heard Mr. A.R. Agarwal, learned counsel for the applicant/ appellant along with Ms. P. Borthakur, learned counsel for the respondent no. 1.

As per Lawazima Court's order dated 05.03.2024 notices upon respondent Nos. 2 & 3 are deemed to be complete.

This is an application under Section 5 of the Limitation Act, 1963, praying for condonation of delay of 196 days in preferring the appeal against the impugned judgment and order passed on 22.02.2023 by the learned Member, MACT No. 2, Kamrup (M), Guwahati in MAC case No. 2315/2019.

The learned counsel for the respondent no. 1 has submitted that they will not file written

objection against the application for condonation of delay of 196 days in preferring the appeal.

The learned counsel for the applicant submits that the main reasons for the delay in filing the appeal against the impugned order dated 22.02.2023 has been explained in paragraph 3 of the application. It is stated that the appellant applied for certified copy of the order dated 22.02.2023 on 23.02.2023 and time was taken to obtain the copy of the evidence and delay was also due to the Bihu Holidays. The learned counsel for the applicant also stated in paragraph 5 of the application that the petitioner is a illiterate/ rustic villager and she knows nothing about the legal aspects of the time period of appeal and also for her financial constraint she could not contact her counsel in time. It is also stated that the delay was not intentional on the part of the applicant.

On considering the submissions made and on perusal of paragraph 3 and 5 of the application, this Court finds that the delay of 196 days has been satisfactorily explained in paragraphs 3 and 5 of the petition. It is also seen that there is no objection on the part of the learned counsel for the respondent. Hence, the delay of 196 days is condoned and the Misc. Case is disposed of.

Office to register the appeal and be listed for admission.

JUDGE

Comparing Assistant