

GAHC010281322019



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

Case No. : I.A.(Civil)/3961/2019

SMTI. SALEHA BEGOM AND 3 ORS
W/O LT. TAJEL UDDIN, R/O VILL. AND P.O. BARAPUNJI, P.S. NILAMBAZAR,
DIST. KARIMGANJ, ASSAM

2: ABDUL SALAM
S/O LT. CHAKAWAT ALI
R/O VILL. AND P.O. BARAPUNJI
P.S. NILAMBAZAR
DIST. KARIMGANJ
ASSAM

3: NEWA BIBI @ NEOYA BIBI
W/O ABDUL SALAM
R/O VILL. AND P.O. BARAPUNJI
P.S. NILAMBAZAR
DIST. KARIMGANJ
ASSAM

4: RINA BEGUM
D/O ABDUL SALAM
R/O VILL. AND P.O. BARAPUNJI
P.S. NILAMBAZAR
DIST. KARIMGANJ
ASSA

VERSUS

MANAGER, M/S MAA DURGA TRAVELS AND ANR
SHIBBARI ROAD, WARD NO. 2, HAILAKANDI TOWN, P.O. P.S. AND DIST.
HAILAKANDI, ASSAM-788151 (OWNER OF VEHICLE BEARING REGN. NO.
AS-24C-2788 NIGHT SUPER BUS)

2:ORIENTAL INSURANCE CO. LTD.
REP. BY THE BRANCH MANAGER

ORIENTAL INSURANCE CO. LTD. KARIMGANJ BRANCH
ROY PATTY
KARIMGANJ TOWN
P.O.AND DIST. KARIMGANJ
ASSAM-788710 (INSURER OF VEHICLE BEARING REGN. NO. AS-24C-2788

Advocate for the Petitioner : MR. S ROY

Advocate for the Respondent : MR SISHIR DUTTA

Linked Case : MAC App. Filing No. 16659/2019

SMTI. SALEHA BEGOM AND 3 ORS

VERSUS

MANAGER
M/S MAA DURGA TRAVELS AND ANR

Advocate for :
Advocate for : appearing for MANAGER
M/S MAA DURGA TRAVELS AND ANR

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 20.05.2024

Heard Mr. S.Roy, learned counsel appearing for the applicants. Also heard Ms. S.K. Begum, learned counsel appearing for the respondent No. 2/Insurance Company.

Mr. Roy submits that the appeal has been filed challenging the quantum of

compensation only. Therefore, the respondent No. 1, who is the owner of the vehicle need not be heard and his name should be struck off from the memo of appeal. Accordingly, the name of the respondent No. 1 is struck off from the memo of appeal.

This is an application u/s 5 of the Limitation Act praying for condonation of delay of 204 days in preferring the appeal.

The Insurance Company has filed an objection.

I have considered the submissions made by the learned counsel of both sides.

I find that the delay has been properly explained. Therefore, the delay stands condoned.

The connected MAC Appeal shall be registered and listed for admission hearing.

The IA stands disposed of.

JUDGE

Comparing Assistant