

GAHC010292112023



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

Case No. : I.A.(Civil)/215/2024

UNITED INDIA INSURANCE COMPANY LIMITED
A PUBLIC SECTOR UNDERTAKING COMPANY, REGISTERED AND
INCORPORATED UNDER COMPANIES ACT, 1956, HAVING ITS REGISTERED
OFFICE AT 24 WHITES ROAD, CHENNAI- 600014 WITH ONE OF ITS
REGIONAL OFFICE AT CHIBBER HOUSE, 2ND FLOOR, G.S. ROAD,
GUWAHATI- 5, REP. BY ITS REGIONAL MANAGER, GUWAHATI, ASSAM.

VERSUS

SURUJ MAHALI AND ORS.
W/O LATE BIRAJ MAHALI.

1.2:SHASHI MAHALI
S/O LATE BIRAJ MAHALI.

1.3:MAJULA MAHALI
D/O LATE BIRAJ MAHALI.
ALL ARE RESIDING AT R/O VILL.- LEPETKATTA TEA ESTATE
JUNGLE LINE
P.O.- BORBORUAH
P.S.- LEPETKATTA
DIST.- DIBRUGARH
ASSAM
PIN- 786006.

2:BAKUL DADHARA
S/O LATE T. DADHARA

R/O VILL.- JAMIRA GOHAIN GAON
BORBORUAH
P.O. AND P.S- BORBORUAH
DIST.- DIBRUGARH

ASSAM
PIN- 786007.

3:ANI HAZARIKA
S/O SRI UMESH HAZARIKA

R/O VILL.- KATHALGURI

P.O. AND P.S- DIBRUGARH
DIST.- DIBRUGARH
ASSAM
PIN- 786001

Advocate for the Petitioner : MR. R C PAUL

Advocate for the Respondent : MS M BARMAN (R-1)

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

24.01.2024

Heard Mr. R. C. Paul, learned counsel for the petitioner and Ms. M. Barman, learned counsel appearing for the respondent Nos. 1(a), 1(b) and 1(c)/claimants.

Regarding respondent Nos. 2 and 3, who are the owner and driver, the learned counsel for the petitioner submits that as matter relates to the quantum of compensation, so the presence of respondent Nos. 2 and 3 are not necessary in the proceeding of the appeal and their names may be struck off.

Accordingly, on the submission of the learned counsel for the petitioner, the names of respondent Nos. 2 and 3 are struck off from the array of respondents.

This is an application under Section 5 of the Limitation Act read with Section

173(1) proviso of Motor Vehicle Act, 1988, praying for condoning the delay of 35 days in filing the appeal against the judgment and order dated 16.08.2023 passed by the learned Member, MACT No.1, Kamrup(M), Guwahati in MAC Case No. 986/2016.

It is submitted by the learned counsel for the petitioner that the quantum of compensation has been negotiated between the claimants and the Insurance Company as such the delay of 35 days may be condoned.

Ms. M. Barman, learned counsel appearing for the respondent Nos. 1(a), 1(b) and 1(c) has made no objection on the prayer of the petitioner.

Accordingly, delay of 35 days in filing the appeal is hereby condoned.

In view of above, this Interlocutory Application stands disposed of.

Registry is directed to register the appeal and list the same for admission hearing by showing the name of M. Barman, learned counsel appearing for the respondent Nos. 1(a), 1(b) and 1(c).

JUDGE

Comparing Assistant