

GAHC010318122019



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

Case No. : I.A.(Civil)/1283/2021

THE ORIENTAL INSURANCE CO. LTD.,
A COMPANY REGISTERED UNDER THE COMPANIES ACT, 1956. REP. BY ITS
REGIONAL MANAGER, ULUBARI, GUWAHATI-7.

VERSUS

KAMALA RAJKUMARI AND 4 ORS.
W/O- LATE PRADIP RAJKUMAR, R/O- VILL.- DUDPUR, P.S. KATIGORAH,
CACHAR, ASSAM- 788025.

2:LAXMAN SARNADEEP RAJKUMAR
S/O- LATE PRADIP RAJKUMAR
R/O- VILL.- DUDPUR
P.S. KATIGORAH
CACHAR
ASSAM- 788025.

3:CHOTU PAUL
S/O- LATE PRADIP RAJKUMAR
R/O- VILL.- DUDPUR
P.S. KATIGORAH
CACHAR
ASSAM- 788025. (RESPONDENT NOS. 2 AND 3 ARE MINORS
THEY RESIDE WITH THEIR MOTHER BEING NATURAL GUARDIAN AND
AS SUCH MINORS ARE REP. BY THEIR MOTHER KAMALA RAJKUMARI.

4:MRS. FULL MARY KHONGSIT
R/O- BHOLAGANJ
EAST KHASI HILLS
MEGHALAYA
PIN- 793108.

5:BIPLOB DAS
S/O- KUKIL DAS
R/O- BHOLAGANJ SHELLA
P.S. SOHRA
EAST KHASI HILLS
MEGHALAYA
PIN- 793108

Advocate for the Petitioner : MR. S K GOSWAMI

Advocate for the Respondent : MRS. R RONGMEI (R1)

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

26.06.2024

Heard Shri SK Goswami, learned counsel for the applicant while none is present for the respondents. Similar situation was also there on the last occasion i.e. 05.06.2024.

2. By this application filed under Section 5 of the Limitation Act, 1963 read with proviso to Section 173 of the Motor Accident Claims Tribunal Act, 1988, a prayer has been made for condonation of delay of 2693 days in preferring the connected appeal against the judgment and award dated 20.04.2012 passed by the learned Member, Motor Accident Claims Tribunal, Cachar at Silchar in MAC Case No. 989/2007. It is submitted that initially an appeal was presented along with statutory deposit of Rs.25,000/- which however had gone missing from the Filing Section. Even after complaint, the records could not be traced out and therefore, the applicant had to prefer the present appeal and in the said process, the delay has occurred.

3. As an objection was raised by the contesting respondent that no materials were placed before this Court in support of the plea of presenting the appeal

earlier, the applicant had filed an additional affidavit to bring on record such documents and proof.

4. The materials on record have been duly examined.

5. This Court is of the opinion that no fault can be attributed for the delay in preferring the connected appeal due to the facts and circumstances narrated above.

6. In view of the aforesaid discussion, the delay is condoned and the application filed under Section 5 of the Limitation Act is allowed.

JUDGE

Comparing Assistant