



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

Case No. : I.A.(Civil)/42/2024

THE BRANCH MANAGER, CHOLAMANDALAM MS GENERAL
INSURANCE CO. LTD
ASTHA PLAZA COMPLEX
7TH FLOOR, OPPOSITE S.D. DEORAH COLLEGE, BORA SERVICE,
ULUBARI, GUWAHATI-781007, ASSAM

VERSUS

SHRI RUPJYOTI LEKHARU AND 5 ORS
S/O LT. BISHEWAR LEKHARU
R/O TUENSANG TOWN, NAGALAND

2:SHRI PRABIN LEKHARU
S/O LT. BISHEWAR LEKHARU
R/O TUENSANG TOWN

3:SHRI SABIN LEKHARU
S/O LT BISHEWAR LEKHARU
R/O TUENSANG TOWN

4:SMTI. RINA LEKHARU
WIFE OF LT. BISHEWAR LEKHARU
R/O TUENSANG TOWN

5:MS SANTI HORO
C/O LT. LUKA HORO
VILLAGE BHARALUWA
P.O. DOLOHAT
P.S. NORTH LAKHIMPUR
DIST- LAKHIMPUR ASSAM

6:SHRI DIPANKAR HAZARIKA
S/O SHRI TILSWAR HAZARIKA

R/O LOTHOW PATHAR
P.O. NOWBOICHA
P.S. NORTH LAKHIMPUR
LAKHIMPUR ASSA

Advocate for the Petitioner : LICHANI MURRY,

Advocate for the Respondent : ,

BEFORE
HON'BLE MR. JUSTICE BUDI HABUNG

ORDER

15.10.2024

Heard Mr. Taka Kichu, learned counsel for the applicant.

Also heard Mr. Imtiwapang, learned counsel appearing on behalf of the claimant/respondent nos. 1, 2, 3 and 4.

Mr. Taka Kichu, learned counsel for the applicant has taken steps upon respondent nos. 5 and 6 by way of newspaper publication however, no one appears on behalf of respondent nos. 5 and 6. In view of the above, the notice upon the respondent nos. 5 and 6 is deemed to be complete.

This is an application under Section 5 of the Limitation Act read with Section 173 of Motor Vehicle Act, 1988 praying for condonation of delay of 329 (three hundred twenty-nine) days in filing the connected appeal against the impugned Judgment and Order dated 24.01.2023 passed by the learned Motor Accident Claims Tribunal, Tuensang, Nagaland in MAC Case no. 3/2021.

The grounds for delay in filing the connected appeal has been explained in paragraphs 7, 8, 9 and 10 of the condonation petition.

Upon hearing and on consideration of the grounds mentioned in the said paragraphs, this Court is satisfied that the applicant has been able to show sufficient cause for not preferring the connected appeal within the stipulated time. Moreover, the respondent/claimant has also no objection if the delay is condoned.

In view of the above, the delay of 329 (three hundred twenty-nine) days in filing the connected appeal is hereby condoned.

With the above, this I.A. stand disposed of.

JUDGE

Comparing Assistant