



Serial No. 05
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

MC(MACApp.) No. 1 of 2024

Date of Decision: 20.03.2025

Reliance General Insurance
Company Ltd.,
5th Floor, Anil Plaza,
Beside IDBI Bank, G.S. Road,
Guwahati, Assam, Represented by
Shri. Hiranmay Kashyap,
Authorised Signatory

.....**Applicant**

- Vs-

1. Smti. Ranilla Marak,
W/o (L) Brenting Ch. Sangma,
Resident of Gobindopara,
P.O Purakhasia,
West Garo Hills District,
Meghalaya.
2. Shri. Santosh Bhattacharjee,
Son of (L) S.R. Bhattacharjee,
Resident of Lakshmi Bazar Road,
Karimganj, Assam.

(Owner of Bus No. AS 01 Y 8497)
3. Md. Sirajudhin,
Son of Mujiddin,
Resident of Village Desang Mazgaon,
P.O Sukan Pukuri,
P.S & District – Sibsagar,
Assam



(Driver of Bus No. AS 01 Y 8497)

.....**Opposite Parties**

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s)	:	Mr. S. Jindal, Adv. Mr. I. Kharmujai, Adv.
For the Respondent(s)	:	Mr. A.H. Hazarika, Adv. for R 1.

i)	Whether approved for reporting in Law journals etc.:	Yes/No
ii)	Whether approved for publication in press:	Yes/No

JUDGMENT AND ORDER (ORAL)

1. Heard Mr. S. Jindal, learned counsel for the applicant, who has submitted that the applicant/Insurance Company intends to prefer an appeal before this Court against the impugned judgment and order dated 12.09.2022 passed by the learned MACT, Tura in MAC Case No. 05 of 2013.

2. The learned counsel also submits that the applicant has arrayed the claimant as one of the parties along with the owner and driver of the vehicle involved in the accident. However, in course of these proceedings, though, service has been affected upon the respondent Nos. 2 & 3, they have failed to appear before this Court, and as such, prayer is made for the matter to proceed ex-parte against such respondents.



3. The respondent No. 1 is however present in Court through Mr. A.H. Hazarika, learned counsel.

4. It is also the submission of the learned counsel that in preferring the said appeal, a delay of 563 days has occurred, the reason being stated at para 3, 4, 5 and 6 of this instant application, in brief, the reason being that the branch office of the applicant/Insurance Company situated at Anil Plaza, ABC, Tarun Nagar, Guwahati, was amongst others manned by one Smti. Debjani Deori, who had authorized a counsel from Tura to take up the matter of the Insurance Company before the MACT at Tura. However, the said Smti. Debjani Deori had since left the organization, and the matter has proceeded before the learned MACT, Tura without the knowledge of the other officials of the applicant/Insurance Company.

5. The learned counsel further submits that, eventually, when the compensation was finally awarded to the claimant/respondent No. 1, the then counsel had tried to communicate the same to the applicant/Insurance Company which by then, had shifted their office location to another place, and as such, because of the break in communication, the applicant/Insurance Company is unaware of the award passed in the said case. It was only later that the applicant/Insurance Company came to know of the existence of the said award, and after all necessary steps have been taken, a delay of 563



days has elapsed.

6. The learned counsel has further contended that these being probable and sufficient cause for the delay occurred, therefore, it is prayed that this application may be allowed and the delay be condoned so as to enable the applicant/Insurance Company to pursue with the merits of the appeal.

7. Mr. A.H. Hazarika, learned counsel for the respondent No. 1, in all fairness, has not raised any objection to the prayer made and has insisted that the appeal may be heard on merits.

8. On consideration of the submission made, this Court being convinced that the cause cited for the delay to constitute probable and sufficient cause, therefore, the prayer made in this application is allowed. Accordingly, the delay of 563 days in preferring the related appeal is hereby condoned.

9. Misc. Case stands disposed of.

10. Registry is directed to diarize the appeal and list it for admission after 1(one) week.

Judge