GAHC010176552024

undefined

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

**Case No. : I.A.(Civil)/3042/2024**

NEW INDIA ASSURANCE CO LTD
HAVING ITS REGISTERED OFFICE AT NEW ASSURANCE BUILDING, 87 MAHATMA GANDHI ROAD, MUMBAI AND ONE OF THE REGIONAL OFFICE AT STAR CITY COMPLEX, 5TH FLOOR, LACHIT NAGAR, GUWAHATI 781005, NEAR HANUMAN MANDIR

2: KRISHNA KUMAR PRASAD

S/O LATE RAMATWER PRASAD
R/O VILLAGE ARANYAK
WARD NO. 7
P.O AND DISTRICT BARPETA
ASSAM
PIN 78131

VERSUS

GULAB DEVI KUHAR AND 2 ORS
W/O LATE ASHOK KUMAR KUHAR,
RESIDENT OF L.K ROAD, HAIBARGAON, PS AND DIST NAGAON, ASSAM, 284820

2:SMTI KAMALA DEVI
W/O HULASHMAL KUHAR

RESIDENT OF L.K ROAD
HAIBARGAON
PS AND DIST NAGAON
ASSAM
284820

3:MD. IZUL ISLAM
S/O MD. NUR ISLAM HOQUE

RESIDENT OF VILLAGE ISLAMPATTY
PS NAGAON SADAR
DIST NAGAON ASSAM 28482

**Advocate for the Petitioner** : MR. K K BHATTA, MRS L SHARMA

**Advocate for the Respondent** : MR A KAKOTI (R-1), MR K DAS (R-1),MR. S Ali (R-1),MRS. P B HAZARIKA (R-1),J PEGU(R-1)

**BEFORE**
**HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

**ORDER**

**Date : 24.06.2026**

Heard Mr. K. K. Bhatta, learned counsel appearing for the applicant. Also heard Mr. S. Ali, learned counsel appearing for the respondent.

**2.** By way of this application filed under Section 5 of the Limitation Act, the applicant seeks condonation of delay of 22 days in filing the connected appeal under Section 173 of the Motor Vehicles Act, 1988, against the judgment and award dated 02.05.2024 passed by the learned Member, Motor Accident Claims Tribunal, Nagaon in MAC Case No. 100/2018, whereby the applicant-insurance company has been directed to satisfy the awarded amount of Rs. 20,62,115/- together with interest @ 6% per annum from the date of filing of the claim petition till realization.

**3.** The connected appeal has been filed with a delay of 22 days. In the instant application, the applicant has explained the delay by stating that after receipt of the certified copy of the impugned judgment, the case records had to be processed at different levels of the insurance company, namely, the Branch Office, the Regional Office

and thereafter the Head Office, for obtaining legal opinion and necessary approval for preferring the appeal. It is further stated that some time was also consumed in obtaining the opinion of the learned panel counsel of this Court and thereafter in preparation of the memorandum of appeal along with the accompanying interlocutory applications.

**4.** Mr. S. Ali, learned counsel appearing for the respondent, submits that he has no instruction to oppose the prayer for condonation of delay.

**5.** I have given my prudent consideration to the arguments advanced by the learned counsel appearing for the parties and have perused the materials available on record.

**6.** Upon consideration of the averments made in the application, this Court finds that the applicant has disclosed the sequence of events leading to the delay in filing the connected appeal. The delay appears to have occurred on account of the time consumed in processing the matter at different administrative levels of the applicant-company, obtaining legal opinion and securing approval for filing the appeal.

**7.** In the considered view of this Court, the explanation furnished by the applicant constitutes sufficient cause within the meaning of Section 5 of the Limitation Act. The delay of 22 days is not inordinate and there is nothing on record to indicate that the same was deliberate, mala fide or attributable to gross negligence. This Court is, therefore, satisfied that sufficient cause has been shown for not

preferring the connected appeal within the prescribed period.

**8.** Accordingly, the delay of 22 (twenty-two) days in filing the connected appeal stands condoned.

**9.** The interlocutory application stands allowed and disposed of.

**10.** Registry shall register the connected appeal, if the same is otherwise found to be in order.

**JUDGE**

**Comparing Assistant**