GAHC010239142019

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

Case No. : I.A.(Civil)/3427/2019

M/S T. K ENGINEERING CONSORTIUM PVT. LTD
REP BY ITS DIRECTOR SMTI. TECHI JULLY, R/O MODEL VILL. P.O. AND P.S. NAHARLAGUN, DIST. PAPUMPARE, ARUNACHAL PRADESH, PIN-791110.
(OWNER OF THE VECHICLE NO. AR-02- 0545, TRUCK DUMPER)

VERSUS

SRI KUSARAM SONOWAL AND 4 ORS
S/O SRI RAMA SONOWAL, PERMANENTLY R/O AT VILL. AND P.O. TARIYANI RAJGARH, P.S. BOGINODI, DIST. LAKHIMPUR, ASSAM, TEMPORARILY RESIDING AT BRINDABAN NAGAR, P.S. GARCHUK, DIST. KAMRUP (M), ASSAM

2:MANO SONOWAL
W/O SRI KUSARAM SONOWAL
PERMANENTLY R/O AT VILL. AND P.O. TARIYANI RAJGARH
P.S. BOGINODI
DIST. LAKHIMPUR
ASSAM
TEMPORARILY RESIDING AT BRINDABAN NAGAR
P.S. GARCHUK
DIST. KAMRUP (M)
ASSAM

3:DIPIKA SONOWAL
D/O SRI KUSARAM SONOWAL
PERMANENTLY R/O AT VILL. AND P.O. TARIYANI RAJGARH
P.S. BOGINODI
DIST. LAKHIMPUR
ASSAM
TEMPORARILY RESIDING AT BRINDABAN NAGAR
P.S. GARCHUK
DIST. KAMRUP (M)
ASSAM

4:JOHN DOIMARY
S/O SRI JERAM DOIMARI
VILL. BAIRAGURI
P.O. NAKHAMARA
P.S. AND DIST. UDALGURI
BTAD
PIN-785489. (DRIVER OF THE VEHICLE NO. AR-02-0545
TRUCK DUMPER)

5:THE REGIONAL MANAGER
UNIVERSAL SOMPO GENERAL INSURANCE CO. LTD. UNIT 401
4TH
FLOOR
SANGAM COMPLEX
127 ANDHERI KURIA ROAD
ANDHERI (EAST)
MUMBAI
PIN-400059
(INSURER OF THE VEHICLE NO. AR-02-0545 TRUCK DUMPER

Advocate for the Petitioner : MR. A DUTTA, MR. B DEORI,MS. SOMILA,MR. S K DEORI

Advocate for the Respondent : M PATHAK (R2), MS. P BORTHAKUR(R5),MS. M SAIKIA(R5),MR. R GOSWAMI(R5),MS. D R DEKA (R2)

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 27.07.2026

1. Heard Mr. S. K. Deori, learned counsel for the applicant. Also heard Ms. D. Goswami, learned counsel for the respondent No. 5/Insurance Company.

2. It appears that by order dated 27.05.2024, the name of respondent No. 1 has been struck off from this interlocutory application and the notices issued to the respondent Nos. 2, 3 and 4 were held to be duly served. However, apart from respondent No. 5, none has appeared for the said respondent. Hence, this interlocutory application has proceeded ex-parte against the said respondent.

3. This application under Section 5 of the Limitation Act has been filed by the applicant for condoning the delay of 272 days in preferring the connected MAC appeal, wherein the judgment and award dated 27.09.2018, passed by the Motor Accident Claims Tribunal No. 3, Kamrup (M), in MAC Case No. 1211/2015 has been impugned. The applicant has stated the reasons for delay in preferring the connected appeal in paragraph Nos. 6 to 9 of the instant interlocutory application.

4. The learned counsel for the respondent No. 5 has no objection regarding the prayer for condonation of delay made by the present applicant.

5. Mr. M. Pathak, learned counsel for the respondent Nos. 2 and 3 has objected to the prayer for condoning the delay of 272 days and has submitted that the delay has not been sufficiently explained by the applicant in their interlocutory application. He submits that the negligence on the part of the conducting counsel for the applicant in not informing the date of judgment is apparent from the application itself.

6. I have considered the submissions made by the learned counsel for both sides and have gone through the materials available on record.

7. The main reason for delay cited by the applicant in this interlocutory application is belated knowledge on their part regarding the delivery of the impugned judgment of the concerned Motor Accident Claims Tribunal. The reason for belated information was also due to the expiry of the engaged counsel for the application before the Motor Accident Claims Tribunal which in the considered opinion of this Court is a reason beyond the control of the present applicant and may be regarded as sufficient reason within the meaning

of Section 5 of the Limitation Act.

8. As such, this interlocutory application is allowed and delay of 272 days is hereby condoned.

9. The Registry is directed to register the connected MAC appeal and list the same in the admission column after a week on a date to be fixed by it.

JUDGE

Comparing Assistant