GAHC020003852023

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

Case No. : I.A.(Civil)/92/2023

THE UNITED INDIA INSURANCE CO. LTD.,
REPRESENTED BY ITS BRANCH MANAGER,
DIMAPUR, NAGALAND

VERSUS

SMTI. TARAMAI GOGOI AND 3 ORS,
WIFE OF SHRI DIGANTA GOGOI,
PRESENTLY RESIDING AT TUENSANG BAZAR AREA,
TUENSANG, NAGALAND,
ALTERNATE ADDRESS AT KADAM GOHAIN GAON,
P.O KADAM, P.S BOGINADI,
DISTRICT LAKHIMPUR, ASSAM 2:SHRI DIPEN GOGOI

SON OF SHRI DIGANTA GOGOI

PRESENTLY RESIDING AT TUENSANG BAZAR AREA

TUENSANG
NAGALAND

ALTERNATE ADDRESS AT KADAM GOHAIN GAON

P.O KADAM
P.S BOGINADI

DISTRICT LAKHIMPUR
ASSAM

3:SHRI DIGANTA GOGOI

SON OF MANIKANTA GOGOI

PRESENTLY RESIDING AT TUENSANG BAZAR AREA

TUENSANG
NAGALAND

ALTERNATE ADDRESS AT KADAM GOHAIN GAON

P.O KADAM
P.S BOGINADI

DISTRICT LAKHIMPUR
ASSAM

4:SHRI ROBIN KONWAR

SON OF PADMESWAR KONWAR

RESIDENT OF VILLAGE KADAM GOHAIN GAON

P.O KADAM
P.S BOGINADI

DISTRICT LAKHIMPUR
ASSA

Advocate for the Petitioner : TAYONGCHUBA

Advocate for the Respondent :

Linked Case : I.A.(Civil)/93/2023

THE UNITED INDIA INSURANCE CO. LTD.

REPRESENTED BY ITS BRANCH MANAGER

DIMAPUR
NAGALAND

VERSUS

SMTI. TARAMAI GOGOI AND 3 ORS

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P.O KADAM
P.S BOGINADI

DISTRICT LAKHIMPUR
ASSAM

Advocate for : TAYONGCHUBA
Advocate for : appearing for SMTI. TARAMAI GOGOI AND 3 ORS

Linked Case : MACApp./2/2023

THE UNITED INDIA INSURANCE CO.LTD.
REPRESENTED BY ITS BRANCH MANAGER

DIMAPUR
NAGALAND

VERSUS

SMTI. TARAMAI GOGOI AND 3 ORS.
W/O SHRI DIGANTA GOGOI

PRESENTLY RESIDING AT TUENSANG BAZAR AREA

TUENSANG
NAGALAND

ALTERNATE ADDRESS AT KADAM GOHAIN GAON

P.O KADAM
P.S BOGINADI

DISTRICT LAKHIMPUR
ASSAM

2:SHRI DIPEN GOGOI

SON OF SHRI DIGANTA GOGOI

PRESENTLY RESIDING AT TUENSANG BAZAR AREA

TUENSANG
NAGALAND

ALTERNATE ADDRESS AT KADAM GOHAIN GAON

P.O KADAM
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DISTRICT LAKHIMPUR
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3:SHRI DIGANTA GOGOI

SON MANIKANTA GOGOI

PRESENTLY RESIDING AT TUENSANG BAZAR AREA

TUENSANG
NAGALAND

ALTERNATE ADDRESS AT KADAM GOHAIN GAON

P.O KADAM
P.S BOGINADI

DISTRICT LAKHIMPUR
ASSAM
4:SHRI ROBIN KONWAR

SON OF PADMESWAR KONWAR

RESIDENT OF VILLAGE
KADAM GOHAIN GAON
P.O KADAM

P.S BOGINADI

DISTRICT LAKHIMPUR
ASSAM
(OWNER OF MOTOR CYCLE B/REGD. NO. AS-07-D/3382)

Advocate for : TAYONGCHUBA
Advocate for : B. N. SARMAH appearing for SMTI. TARAMAI GOGOI AND 3 ORS.

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 22-02-2024

Heard learned counsel Mr. Tayongchuba for the applicant and learned counsel Mr. Imtiwapang for respondent Nos. 1, 2 and 3.

Notice has been served to respondent No. 4.

Respondent No. 4 is not represented.

The learned counsel for the applicant has submitted that the applicant has filed this application u/s 5 of the Limitation Act for condonation of delay of 108 days in preferring the appeal. The judgment and order was passed on 24.01.2023 by the learned Member, MACT, Tuensang, Nagaland in MAC Case No. 4/2021. It is submitted that the delay was not due to negligence and laches on the part of the applicant. It is submitted that copies were furnished on a much later date to the applicant and he could not prefer the appeal within the period of limitation. There was no negligence on the part of the applicant and the applicant has shown sufficient cause for preferring the appeal after 108 days.

Considering the submissions of the learned counsel for the applicant and considering all aspects this petition is allowed and delay is condoned. No order as to costs.

IA is disposed of.

Sd/-
JUDGE

Comparing Assistant