



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

**Case No. : I.A.(Civil)/90/2025**

ROYAL SUNDARAM G.I.C. LTD  
HAVING ITS EASTERN REGIONAL OFFICE AT TOWER 2  
UNIT NO. T 2- 2A  
MILLENIUM CITY INFORMATION TECHNOLOGY PARK  
PLOT NO. DN-62 SECTOR V  
SALT LAKE  
BIDHAN NAGAR  
NORTH TWENTY FOUR PARGANAS  
WEST BENGAL  
700091 AND REGIONAL AND DIVISIONAL OFFICES IN SEVERAL PLACES

VERSUS

SMT. BHARATI BHUYAN KONWAR AND 2 ORS  
W/O LATE RAGHU KONWAR  
R/O NEW SONOWAL  
NAGAJANGKA  
MARIANI  
P.S. MARIANI  
DIST- JORHAT  
ASSAM-785634

2:MASTER HEDARTO  
S/O LATE RAGHU KONWAR  
R/O NEW SONOWAL  
NAGAJANGKA  
MARIANI  
P.S. MARIANI  
DIST- JORHAT  
ASSAM-785634

3:SHRI TITLESWAR KARMAKAR  
S/O LATE MODON KARMAKAR

R/O VILLAGE HOLONGURI  
P.O. NAGACHARI  
DIST- JORHJAT  
ASSAM-785635  
(OWNER OF MARUTI ECCO B/R NO. AS-03-W-56541)

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Advocate for : VIKRAMJEET DEVNATH  
Advocate for : TONGPOK PONGENER appearing for SMT. BHARATI BHUYAN  
KONWAR AND 2 ORS

**BEFORE**  
**HON'BLE MR. JUSTICE ANJAN MONI KALITA**  
**ORDER**

**Date : 28.10.2025**

Heard Mr. Vikramjeet Devnath, learned counsel for the applicant/appellant. Also heard Mr. Tongpok Pongena, learned counsel, representing the opposite party nos. 1 & 2.

2. This is an application, under Order 41 Rule 19 of CPC read with Section 151 of the CPC, praying for recall of the dismissal order dated 28.01.2025 and to restore the MAC Appeal No. 08/2024 for hearing, which was dismissed vide an order dated 28.01.2025 for default/non-prosecution.

3. There is a delay of 107 (One hundred and seven) days in filing the instant Interlocutory application therefore, in I.A. No. 91/2025, prayed for condonation of delay of 107 days in filing the instant application. On consideration, this Court had allowed the application for condonation of delay.

4. The learned counsel for the applicant submits that the order dated 28.01.2025, by which this Court had dismissed the MAC Appeal for non-appearance of the counsel was, in fact, due to his unintentional oversight regarding the date of listing. The learned counsel further submits that upon learning of such dismissal while verifying the online status of the appeal,

he immediately applied for a certified copy and thereafter, took necessary steps for filing the instant Interlocutory Application seeking recall of the aforesaid dismissal and restoration of the appeal and therefore, this Court, for the interest of justice, may allow this application and restore the connected MAC Appeal, so that the matter could be heard and decided on merits.

5. Mr. Tongpok Pongena, learned counsel submits that he does not have any objections on restoration of the aforesaid appeal.

6. After hearing the counsels appearing for the parties, this Court is of the considered view that the instant Interlocutory application should be allowed and therefore, recalls the dismissal order dated 28.01.2025 and restores the connected MAC Appeal No. 08/2024 for further hearing.

7. Accordingly, the instant Interlocutory application no. 90/2025 is disposed of as allowed.

8. The MAC Appeal No. 08/2024 is directed to be listed again after 3(three) weeks on a date to be fixed by the Registry.

**JUDGE**

**Comparing Assistant**