GAHC010008052021

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

Case No. : I.A.(Civil)/126/2021

NEW INDIA ASSURANCE COMPANY LTD.
HAVING ITS REGISTERED OFFICE AND HEAD OFFICE AT 87, M.G. ROAD, FORT, MUMBAI AND ITS REGIONAL OFFICE AT STAR CITY COMPLEX, 5TH FLOOR, LACHIT NAGAR NEAR HANUMAN MANDIR G.S. ROAD, GUWAHATI- 781007.

VERSUS

ELIMA BEGUM AND 2 ORS.
W/O- MONI LASKAR, R/O- VILL.- DHING GATE, NABIN NAGAR, P.S. SADAR, DIST.- NAGAON, ASSAM, PIN- 782460.

2:DEBAJIT DUTTA
S/O- LATE N.C. DUTTA
R/O- VILL.- CHRISTIAN PATTY
A.D.P. ROAD
P.O. NAGAON
P.S. SADAR
DIST.- NAGAON
ASSAM
PIN- 782460.

3:ABDUL SABIR
S/O- ABDUL AWAL
R/O- VILL.- PANIGAON
MORIKALENG
P.O. NAGAON
P.S. SADAR
DIST.- NAGAON
ASSAM
PIN- 782460

Advocate for the Petitioner : MR. R GOSWAMI,

Advocate for the Respondent : DARAK ULLAH (R-1), MS A HUSSAIN (R-1),SABRISH AHMED (R-1)

Linked Case :

NEW INDIA ASSURANCE COMPANY LTD.

VERSUS

ELIMA BEGUM AND 2 ORS. B

Advocate for : MR. R GOSWAMI
Advocate for : appearing for ELIMA BEGUM AND 2 ORS. B

Linked Case :

NEW INDIA ASSURANCE COMPANY LTD.

VERSUS

ELIMA BEGUM AND 2 ORS. B

Advocate for : MR. R GOSWAMI
Advocate for : appearing for ELIMA BEGUM AND 2 ORS. B

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

05.10.2026

1. Heard Ms. D. Goswami, the learned counsel for the applicant. Also heard Ms. A. Hussain, the learned counsel for respondent No. 1 present.

2. This interlocutory application has been filed by the applicant insurance company under Section 5 of the Limitation Act, 1963, praying for condonation of delay of 247 days in preferring the connected MAC Appeal, whereby the judgment and award dated 06.04.2019 passed by the learned Member, Motor Accident Claims Tribunal, Nagaon, in MAC Case No. 416/2014 is impugned.

3. The learned counsel for the applicant has submitted that the Insurance Company has stated the reasons for delay in preferring the connected appeal within the prescribed period of limitation in paragraph Nos. 2 and 3 of the instant Interlocutory Application.

4. The learned counsel for the claimant/opposite party submits that though the grounds stated by the applicant insurance company are not very convincing, still the opposite party No. 1 does not have any objection if the said delay is condoned.

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

6. Considering the fact that the claimant/respondent/opposite party No. 1 has not opposed the prayer for condonation of delay, as well

as considering the grounds stated in paragraph Nos. 2 and 3 of the instant application to be sufficient cause which prevented the applicant from preferring the connected appeal within the prescribed period of limitation, the delay of 247 days is hereby condoned.

7. Further, since the claimant has not opposed the prayer for condonation of delay, and since in the meantime opposite party No. 3 has already expired, his name may be struck off from this interlocutory application.

8. This interlocutory application is accordingly allowed.

9. The Registry is directed to register the connected MAC Appeal and list the same for admission after a week on a date to be fixed by the Registry.

JUDGE

Comparing Assistant