GAHC010026862025

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

Case No. : I.A.(Civil)/501/2025

ICICI LOMBARD GENERAL INSURANCE COMPANY LTD.
HAVING ITS REGISTERED OFFICE AND HEAD OFFICE AT ICICI BANK TOWERS, BANDRA KURLA COMPLEX, MUMBAI 400051, ITS ZONAL OFFICE AT APEEJAY HOUSE, 15 PARK STREET, 7TH FLOOR, KOLKATA-700016, AND BRANCH OFFICE AT KAMAKHYA TOWER 3RD FLOOR, OFFICE NO. 305 AND 306, G.S. ROAD, GUWAHATI, ASSAM.

VERSUS

BHANU DEVI AND ORS
W/O. LATE PURAN KANTA NATH

2:REKHA MONI DEVI
D/O. LATE PURAN KANTA NATH

3:PUNA NATH
S/O. LATE PURAN KANTA NATH

ALL ARE R/O VILL.- PACHIM SARAGAON
P/O. SARAGAON
P/S. RAHA
DIST. NAGAON
ASSAM
PIN-782103.

4:PUSPANJALI DIHINGIA KHOUND
W/O. SRI. DIBYA JYOTI KHOUND
R/O. VILL.- DHENUDHARA
P/O. AND P/S. GOHPUR
DIST. BISWANATH
ASSAM
PIN-784178.

5:DIBYA JYOTI KHOUND

S/O. LT. BISHNU KHOUND
R/O. VILL.- DHENUDHARA
P/O. AND P/S. GOHPUR
DIST. BISWANATH
ASSAM
PIN-784178

Advocate for the Petitioner : MS. M SAIKIA, MS. P BORTHAKUR,MR. R GOSWAMI

Advocate for the Respondent : MR. A HASAN (R-1,2,3), MR. N GOSWAMI(R-1,2,3),MR SUBHRAJIT SAIKIA(R-1,2,3),MR. N HASAN(R-1,2,3)

Linked Case :

ICICI LOMBARD GENERAL INSURANCE COMPANY LTD

VERSUS

BHANU DEVI AND 4 ORS A

Advocate for : MR. R GOSWAMI
Advocate for : appearing for BHANU DEVI AND 4 ORS A

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

16.11.2026

Heard Shri A. Kakati, learned counsel appearing on instructions of Shri R. Goswami, learned counsel for the applicant. Also heard Shri S. Saikia, learned counsel for the respondent nos. 1, 2 and 3.

Also perused the Office Note dated 08.10.2026 regarding the service of notice upon the respondent nos. 4 and 5.

The present application has been filed under Section 5 of the Limitation Act, 1963 read with the proviso to Section 173 of the Motor Vehicles Act, 1988 for condonation of delay of 37 days in preferring the connected appeal.

The appeal has been preferred against the Judgment and Award dated 29.04.2024 passed by the learned MACT, Nagaon in MAC Case No. 212/2021.

Shri Kakati, the learned counsel for the applicant by referring to the averments made in paragraph 2 has submitted that the delay has been caused for reasons beyond the control of the applicant - appellant and there is no negligence or laches in preferring the same.

Shri Saikia, the learned counsel for the respondent nos. 1, 2 and 3 has submitted that he would not have serious objections in the aspect of condonation of delay and he would rather contest on the merits of the appeal.

The principles of adjudicating an application filed for condonation of delay are well known and the Court is to be guided by the principles laid down which requires to have a pragmatic and justice oriented approach.

In the instant case, considering the causes shown and also the fact that the delay is not inordinate, the present application for condonation of delay is allowed.

The delay accordingly stands condoned.

Interlocutory Application accordingly stands disposed of.

JUDGE

Comparing Assistant