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

Case No. : I.A.(Civil)/1031/2026

THE NATIONAL INSURANCE COMPANY LTD
REPRESENTED BY ITS REGIONAL MANAGER, REGIONAL OFFICE,
BHANGAGARH, G.S. ROAD, GUWAHATI-5.

VERSUS

SRI TAPAN SAIKIA AND 2 ORS.
S/O- LATE MIHIRAM SAIKIA, PRESENT ADDRESS- VILL- LATABUWA, P.S- KHATOWAL, DIST. NAGAON, ASSAM. CLAIMANT IN MAC CASE NO. 87 OF 2020

2:SRI DEEP JYOTI SAIKIA
S/O- JOGEN SAIKIA VILL- DIMARUGURI B.N. ROAD
P.S- NAGAON SADAR
DIST. NAGAON ASSAM. OWNER OF THE VEHICLE NO. AS-02-H-5781 OPP. PARTY NO. 1 IN MAC CASE NO. 87 OF 2020

3:SRI DIPAK NAHAK
S/O- LATE HARI NAHAK
VILL- SALNA
P.S- SAMAGURI
DIST. NAGAON
ASSA

Advocate for the Petitioner : , MR. P J BARMAN

Advocate for the Respondent : MR Z HUSSAIN (r-2,3, MR. M TALUKDAR (r-1),B SARMA (r-1)

Linked Case : RP(FAM.CT.)/0/0

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DIST. NAGAON ASSAM

Advocate for : MR PRANABJYOTI BARMAN
Advocate for : appearing for SRI TAPAN SAIKIA

BEFORE

HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

13.10.2026

1. Heard Mr. P.J. Barman, the learned counsel for the applicant. Also

heard Mr. M. Talukdar, the learned counsel for opposite party No. 1, as well as Mr. Z. Hussain, the learned counsel for opposite party Nos. 2 and 3.

2. This interlocutory application has been filed under Section 5 of the Limitation Act, 1963 by the applicant insurance company, namely, the National Insurance Company Limited, praying for condonation of delay of 335 days in preferring the connected MAC appeal, wherein the applicant intended to impugn the judgment and award dated 26-12-2024 passed in MAC Case No. 87/2020 by the Motor Accident Claims Tribunal, Nagaon, whereby, the present applicant was directed to pay a compensation amount of Rs. 7,37,300/- along with an interest @ 6% per annum to the claimant/ OP No. 1.

3. Mr. P.J. Barman, the learned counsel for the applicant has submitted that the delay occasioned in this case has not been due to any malafide on the part of the applicant insurance company and the same has been occasioned due to reasons, which were beyond the control of the applicant insurance company. He submits that the delay has been sufficiently explained by the applicant in the instant interlocutory application.

4. He submits that though the impugned judgment in MAC Case No. 87/2020 was passed on 26-12-2024, however, the local counsel for the applicant applied for the certified copy of the judgment only on 10-10-2025 for the reasons best known to him. He submits that the certified copy was ultimately obtained on 13-11-2025 and same was sent to local branch office of the applicant insurance company in the month of

December, 2025.

5. He further submits that for preferring an appeal by the applicant insurance company, there is an internal administrative requirement of obtaining legal opinion from a senior panel advocate, which was received only on 21-01-2026. He further submits that the final approval for preferring the appeal against the impugned judgment was accorded by the head office of the applicant insurance company only on 26-02-2026, and the file was handed over to the present counsel for filing the appeal only on 10-03-2026, and after preparation of the memo of appeal, the requirement of statutory deposit is there for getting approval of sanctioning of the statutory deposit, same route was followed, and ultimately, the approval was accorded for statutory deposit on 12-3-2026.

6. He further submits that due to some bonafide mistake, the cheque relating to the statutory deposit was handed over by mistake to some other panel lawyer on 13-03-2026, however, ultimately the said cheque was handed over to the present counsel only on 18-03-2026, and thereafter, on 23-03-2026, the connected appeal was filed along with the interlocutory application.

7. He submits that the delay has been sufficiently explained by the applicant insurance company. He also submits that in the connected appeal, the grounds taken by the present applicant for assailing the judgment of the tribunal is regarding not possessing of valid driving license by the driver of the offending vehicle, and said ground is required to be decided by the appellate court on merit, and refusal of this court to

condone the delay would amount in a meritorious appeal filed by the present applicant being thrown at the very threshold and he submits that while doing so, cause of justice will be defeated.

8. He further submits that the applicant is a public corporation dealing with public money, and it is an accepted fact that while preferring an appeal by the insurance company, some amount of delay is normally occasioned due to administrative procedures of seeking approval for filing of the appeal, and as such, a liberal approach should be taken.

9. He further submits that there is no malafide on the part of the applicant insurance company in belatedly filing the appeal, as it does not stand to benefit in any manner by lodging the appeal beyond the prescribed period of limitation. He further submits that there are a catena of judgments of the Apex Court as well as of this Court, wherein the legal proposition has been laid down that while considering an application for condonation of delay, a liberal approach should be taken. He also submits that while considering the prayer for condonation of delay, the court has to keep in mind that in a particular case, the merit has to be examined, and it should not be scuttled merely on the basis of limitation. He, therefore, prays for condoning the delay of 335 days in preferring the connected appeal.

10. In support of his submission, the learned counsel for the applicant has cited following judgments:

i. ***Inder Singh Vs the State of Madhya Pradesh*** reported in ***2025, Live law (SC) 339***.

ii. ***National Insurance Company Limited versus Abdul***

Aminul and others (***order dated 14-11-2025 in IA (Civil) No. 541/2025***.

iii. ***Oriental Insurance Company versus Purnima Roy and 2 others*** (***order dated 09-08-2022 passed in IA(Civil) No. 453/2022***).

11. On the other hand, Mr. M. Talukdar, learned counsel for the claiming / OP No. 1 has submitted that the applicant insurance company has failed to sufficiently explain the delay, which has been occasioned in preferring the connected appeal. He submits that the impugned judgment was passed by the Motor Accident Claims Tribunal, Nagaon on 26-12-2024, and the cut-off date for filing an appeal within prescribed period of limitation was 25-03-2025, however, he submits that even the certified copy of the judgment was applied for by the counsel of the insurance company only after lapse of more than 10 months on 10-10-2025. He submits that the applicant has not stated any reason for such delay and has merely made a statement acknowledging the fact that the application for certified copy was filed belatedly after 10 months.

12. He further submits that the internal administrative procedure of the insurance company in processing a file for seeking approval for filing appeal against the judgment shall have to conform with the period of limitation prescribed by the law of limitation. As such, if no attempt has been made by the insurance company to complete the administrative procedure within the prescribed period of limitation, same may not be regarded as sufficient cause to enable condonation of delay in such cases. He submits that due to belated filing of the appeal, the claimants

who were awarded compensation by the Motor Accident Claims Tribunal way back on 26-12-2024 have not yet been able to enjoy the fruit of litigation. He submits that since the applicant insurance company has failed to sufficiently explain the delay, the prayer for the condonation of delay should be rejected.

13. In support of his submission, he has cited a ruling of this court in the case of ***Oriental Insurance Company Limited versus Suparna Das and 4 others*** (order dated 09-09-2026 passed in IA (Civil) No. 2351/2025). He has also cited a ruling of coordinate bench of this court in the case of ***ICICI Lombard General Insurance Company Limited versus Rup Nath Brahma Choudhury and others***, reported in ***2017 (2) GLT 487***, to substantiate his submissions.

14. On the other hand, Mr. Z. Hussain, the learned counsel for the OP No. 2 and 3 has also approved the prayer for condonation of delay. He has adopted the submissions made by Mr. M. Talukdar in this respect. He also submitted that the insurance company has failed to prove that the applicant was prevented by sufficient cause in preferring the connected appeal within the prescribed period of limitation.

15. I have considered the submissions made by the learned counsel for both sides and have gone through the materials available on record. I have also gone through the rulings cited by the learned counsel for both sides in support of their respective submissions.

16. In the instant case, the insurance company has filed the connected appeal after 335 days beyond the prescribed period of limitation. It has explained almost day-to-day-wise the delay caused in obtaining

administrative approval. However, it appears that the delay caused in belatedly applying for the certified copy of the impugned judgment has not been explained properly.

17. It is a settled proposition of law that while considering the question of condonation of delay under Section 5 of the Limitation Act, 1963, courts generally adopt a liberal approach. However, the said approach may not be taken for granted to such an extent that even without explaining the delay for a particular period, same would be automatically condoned. The requirement of section 5 of the Limitation Act is that the party applying for condonation of delay has to satisfy the court that it was prevented by sufficient cause for not preferring the appeal within the prescribed period of limitation. In the instant case, as already observed hereinbefore, though after obtaining the certified copy of the impugned judgment, the applicant has tried its best to explain the delay in seeking administrative approval of the concerned authority of the applicant company for filing of the appeal, however, when we look at the averments made in paragraph No. 2 of the instant application, it appears that no reasons have been stated for delayed application for grant of certified copy of the impugned judgment. Apparently, the same was applied after more than 10 months of the date of delivery of the impugned judgment, and the only statement made in the said paragraph is that the said delay has been occasioned by the dealing counsel for reasons best known to him. This statement may not be regarded as explaining the cause of delay in applying for certified copy belatedly for as long as 10 months after the date of delivery of the impugned judgment. Said statement, in the considered opinion of this court, does

not qualify within the meaning of the phrase "sufficient cause" as used in section 5 of the Limitation Act.

18. Though, it is true that a litigant does not stand to benefit by lodging an appeal belatedly, however, at the same time, it shall also have to be considered by the courts that due to belated filing of the appeal, the beneficiary i.e. the claimant has been deprived from the fruits of the litigation for more than two years after delivery of the judgment in his favor.

19. In the ruling cited by the learned counsel for the applicant, namely, ***Inder Singh (supra)***, though the apex court has observed that a meritorious case should not be scuttled merely on the basis of limitation, however, it also reiterated at the same time that delay cannot be condoned without sufficient cause.

20. In the instant case, as discussed hereinabove, the period of 10 months delay caused due to belated filing of application for certified copy of the impugned judgment for a period of more than 10 months has not been sufficiently explained by the applicant. As such, this court is of the considered opinion that this is not a fit case where the delay of 335 days in preferring the connected appeal may be condoned.

21. In view of the discussions made and reasons stated in the foregoing paragraphs of this order, the prayer for condonation of delay is rejected, and this interlocutory application stands dismissed.

JUDGE

Comparing Assistant