GAHC010104222024

2026:GAU-AS:16216-DB

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

Case No. : I.A.(Civil)/1712/2025

ARUN CHAKRABORTY
S/O. SRI SUSHIL CHAKRABORTY, R/O. TRIANGULAR COLONY, P/S. JALUKBARI, P/O. PANDU, DIST. KAMRUP (M0, ASSAM.

VERSUS

PRADIP KR SARKAR AND 4 ORS
S/O. LT. PRAFULLA KUMAR SARKAR, R/O. PANDU, LOCO COLONY, P/S. JALUKBARI, DIST. KAMRUP 9M0, GUWAHATI-781012, ASSAM.

2:SUTAPA SARKAR
W/O. SRI ANISH BHATTACHARJEE
D/O. SRI PRADIP KR. SARKAR
R/O. 1A AT 1ST FLOOR OF THE BUILDING AT JAIMATI NAGAR ROAD
ABOKASH VILLA
BYE LANE NO. 7
P/S. JALUKBARI
DIST. KUMRUP (M)
ASSAM.

3:ASSAM POWER DISTRIBUTION COMPANY LTD. (APDCL)
REP. BY ITS CHAIRMAN
BIJULI BHAWAN
PALTAN BAZAR
GUWAHATI-781001
DIST. KAMRUP (M)
ASSAM.

4:THE DEPUTY GNENERAL MANAGER-II CIRCLE
APDCL MALIGAON
GUWAHATI-781009
DIST. KAMRUP (M)

ASSAM.

5:THE SUB-DIVISIONAL OFFICERGUWAHATI ELECTRICAL CIRCLE
ELECTRICAL CIRCLE-II APDCL (LAR)
JALUKBARI
GUWAHATI-781012
DIST. KAMRUP (M)
ASSAM

Advocate for the Petitioner : MR. D NANDI, MR. A NANDI,MS P SARMAH

Advocate for the Respondent : SC, APDCL, B BASUMATARY(R1,2),MR R CHETRY(R-1,2),MR P SHARMAH (R-1,2)

Linked Case :

ARUN CHAKRABORTY

VERSUS

PRADIP KR SARKAR AND 4 ORS

Advocate for : MR. D NANDI
Advocate for : appearing for PRADIP KR SARKAR AND 4 ORS

-BEFORE-

HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

04.11.2026
(K. Goswami, J)

Heard Mr. D. Nandi, learned Advocate for the applicant; Mr. P. Sarmah, learned Advocate for the respondent Nos. 1 & 2 and Mr. B. Das, learned Standing counsel, APDCL for the respondent Nos. 3 to 5.

2. This application has been filed for condoning the delay of 121 days in preferring the connected writ appeal against the order dated 22.12.2023 passed by a learned Single Judge of this Court in WP(C) No.7576/2023.

3. The applicant has sought condonation of the delay in filing the connected writ appeal, contending, *inter alia*, that the delay was occasioned by certain unforeseen and unavoidable personal and family circumstances, including the serious illness and prolonged medical treatment of his wife; his own medical condition; the illness of his aged and dependent mother-in-law and the solemnization of his daughter's marriage during the relevant period. It is the further case of the applicant that the aforesaid circumstances prevented him from taking timely steps for preferring the appeal within the prescribed period.

4. *Per contra*, learned Advocates appearing for the respondents objected to the delay of condonation on the ground of the delay being not sufficiently explained.

5. Having heard the learned Advocates appearing for the contending parties and having considered the explanations furnished, we are satisfied that the delay is sufficiently explained. The delay in preferring the connected appeal appears to have been occasioned by *bona fide*, unavoidable and compelling circumstances beyond the control of the applicant. The averments made in the instant interlocutory application disclose that the applicant's wife sustained serious injuries in a two-wheeler accident on 29.12.2023 and subsequently developed severe spinal complications, necessitating prolonged medical treatment at different hospitals, including surgical intervention at Max Super Speciality Hospital, New Delhi, in April 2024, followed by post-operative care. During the relevant period, the applicant also had to attend to the solemnization of his only daughter's marriage, besides looking after his 83-year-old ailing and dependent mother-in-law. Further, the applicant himself was suffering from a medical condition affecting his mobility. It is also evident that upon acquiring knowledge of the institution of the writ petition on 10.01.2024, he took steps to obtain certified copies thereof on 12.01.2024, which were furnished to him on 24.01.2024.

6. Considering the settled principles of law that a delay condonation application has to be dealt with in a pragmatic and justice-oriented manner and also having regard to the cumulative effect of the aforesaid circumstances, we are of the considered opinion that the delay was neither intentional nor deliberate, but occasioned by sufficient cause. Accordingly, in the interest of substantial justice and to afford the parties an opportunity of having the matter adjudicated on merits, the

delay of 121 days in preferring the connected appeal deserves to be condoned.

7. The interlocutory application stands allowed and disposed off.

8. Registry to process the connected writ appeal and list the same on **16.12.2026**, under the appropriate heading.

JUDGE **CHIEF JUSTICE**

Comparing Assistant