GAHC010147572017

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

Case No. : I.A.(Civil)/3673/2017

ORIENTAL INSURANCE CO.LTD.
HAVING ITS REGISTERED OFFICE AT ORIENTAL HOUSE A 25/27 ASAF ALI ROAD, NEW DELHI 110002 AND REGIONAL OFFICE AT GUWAHATI-7, REPRESENTED BY THE REGIONAL MANAGER

VERSUS

MD. SAMSUDDIN and ANR,
S/O MD. ALAUDDIN, VILL. DULLABARI TINIALI, P.O. DULABARI, P.S. TEZPUR, DIST. SONITPUR, ASSAM

2:BISHAL NEWAR
S/O E.B. NEWAR @ GYANBAH NEWAR
VILL. SATGAON
P.O. UDAYAN BIHAR
P.S. NOONMATI
DIST. KAMRUP
ASSAM

Advocate for the Petitioner : MR.S DUTTA, MR.C SHARMA,MR.SIDHANT DUTTA,MS.N MODI,MS.M CHOUDHURY

Advocate for the Respondent : ,

In
MFA Case No. 174/2017
With
MFA Case No. 174/2017
With
I.A.(Civil) Case No. 3695/2017

In
MFA Case No. 174/2017

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

11.11.2026

[1] Heard Mr. S. Dutta, the learned counsel appearing for the applicant, who submits that the applicant has filed the affidavit-in-compliance of direction issued by this court for taking steps upon the respondent Nos. 1 and 2 by substituted mode of publishing the notice in the newspaper.

[2] I have gone through the affidavit as well as the newspaper annexed, along with the same.

[3] In view of the publication of the notices against respondent Nos. 1 and 2 in newspaper, which is widely circulated in the last known addresses of the said respondents, the notice issued to the aforesaid respondents is held to be duly served.

[4] This interlocutory application has been filed under Section 5 of the Limitation Act, 1963 seeking condonation of delay of 155 days in preferring the connected Miscellaneous First Appeal by the present applicant, whereby the judgment and order dated 28.03.2017, passed by the Commissioner Employees' Compensation, Tezpur Zone III, Sonitpur, Assam in

S.W.C. Case No. 07 of 2012 has been impugned.

[5] The learned counsel for the applicant submits that the applicant has stated the reasons for delay in paragraph No. 6 of the instant interlocutory application.

[6] I have gone through the same.

[7] Considering the submissions made by the learned counsel for the applicant as well as grounds stated in paragraph No. 6 of the instant application, this court is of considered opinion that the delay of 155 days in preferring the connected appeal has been sufficiently explained by the applicant. As such, the said delay of 155 days in preferring the connected Miscellaneous First Appeal is hereby condoned and this interlocutory application is allowed.

JUDGE

Comparing Assistant