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

Case No. : I.A.(Civil)/3233/2024 In
MAC App. 9993/2024 (filing number)

CHOLAMANDALAM MS GENERAL INSURANCE CO LTD
HAVING ITS BRANCH OFFICE AT AASTHA PLAZA, OPPOSITE OF S.B. DEORAH COLLEGE, 4TH FLOOR, BORA SERVICE, GUWAHATI, DIST.- KAMRUP(M), ASSAM.(REPRESENTED BY ITS DEPUTY MANAGER, CLAIMS LEGAL, KAIFI ANAM)

VERSUS

NILIMA KHATUN AND 4 ORS
W/O. LATE ANOWAR HUSSAIN

2:BABIDUL ISLAM
S/O. LATE ANOWAR HUSSAIN

3:SANIDUL ISLAM
S/O. LATE ANOWAR HUSSAIN
ALL ARE RESIDENT OF MANDIA
P/O. AND MOUZA- MANDIA
P/S.- BAGHBAR
DIST.- BARPETA
ASSAM
PIN-781308.

4:SAMSUL HAQUE
S/O. SORHAB ALI
R/O. VILL.- KALGACHIA
P/O. AND P/S. KALGACHIA
DIST.- BARPETA
ASSAM
PIN-781319.

5:DELOWAR HUSSAIN
S/O. SHAMSUL ALOM
R/O. VILL.- UDMARI
P/O. SHOWPUR
P/S.- KALGACHIA
DIST.- BARPETA
ASSAM
PIN-781319

Advocate for the Petitioner : MR. A BHATTACHARYYA,

Advocate for the Respondent : A R MONDAL (R-1,2,3), MR. S ISLAM (R-1,2,3)

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

23.11.2026

Heard Shri A. Bhattacharyya, learned counsel for the applicant who by means of this application filed under Section 5 of the Limitation Act has prayed for condonation of delay of 129 days in preferring the connected appeal against the Judgment and Award dated 19.01.2024 passed by the learned Member, MACT, Barpeta in MAC Case No.349/2020.

Notice in this case was issued on 28.10.2024 and in the meantime, Shri S. Islam, learned counsel has entered appearance on behalf of the respondent nos. 1, 2 and 3. This Court vide order dated 23.09.2026 has recorded that the respondent no. 4 is deemed to be served. Perusal of the Office Note dated 18.11.2026 would also confirmed that the respondent no. 5 has also been served.

Shri Islam, learned counsel for the respondent nos. 1, 2 and 3 has submitted that he has no serious objection with regard to the aspect of condonation of delay and would rather, contest the appeal on merits.

Considering the grounds cited in support of the application for delay condonation which has been stated in paragraph nos. 3, 4 and 5 as well as following the principles

to be followed for adjudication an application for condonation of delay which are in consonance of having a pragmatic and justice oriented view, the delay of 129 days in preferring the connected appeal is condoned.

The IA is according disposed of.

Registry to register the appeal and list the same for admission.

The name of Shri S. Islam, learned counsel for the respondent nos. 1, 2 and 3 be reflected in the cause list.

JUDGE

Comparing Assistant