GAHC020003922025

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

Case No. : I.A.(Civil)/119/2025

THE ORIENTAL INSURANCE COMPANY LTD.
HAVING ITS REGISTERED ORIENTAL HOUSE A-25/27, ASAF ALI ROAD, NEW DELHI-110002 AND REGIONAL DIVISIONAL OFFICES IN SEVERAL PLACES, INCLUDING A REGIONAL OFFICE AT GUWAHATI ASSAM AND DIVISIONAL OFFICE AT DIMAPUR, IN THE STATE OF NAGALAND.

VERSUS

SMTI. RUPA NOMOSUDRA AND 6 ORS
W/O LT. PIJUS NAMASUDRE @ PIJUS NOMOSUDRA, R/O TENYIPHE II VILLAGE, DIMAPUR, NAGALAND

2:SRI. CHIRANJIT NOMOSUDRA
F/O LT. PIJUS NAMASUDRA-PIJUS NOMOSUDRA

3:SMTI. SHYAMALI NOMOSUDRA
M/O LT. NAMASUDRA-NOMOSUDRA

4:SMTI ANITA JAIN
R/O JAIN TEMPLE ROAD
MARWARI PATTI
DIMAPUR NAGALAND (OWNER OF THE PIVK UP VEHICLE BEARING NO. NL. 07A-7643)

5:MD. MAINUL HOQUE
SON OF MD. INNAS ALI
R/O KHATKHATI
K/A ASSAM (DRIVER OF PICK UP B/R NO. NL07/A-7643)

6:THE NEW INDIA ASSURANCE CO. LTD.

NO. 185
SPS BUILDING
ANNA SALAI
CHENNAI
TAMIL NADU-600002 (INSURER OF M/CYCLE/SCOOTER/ B/R NO. NL-07/EA-42273)

7:THE DIVISION MANAGER
NEW INDIA ASSURANCE CO. LTD. CIRCULAR ROAD DIMAPUR
NAGALAND. (INSURER OF M/CYCLE/SCOOTER B/R. NO. NL-07/EA-4273

Advocate for the Petitioner : KIM PIENYU,

Advocate for the Respondent : ,

Linked Case : MACApp./14/2025

THE ORIENTAL INSURANCE COMPANY LTD.
HAVING ITS REGISTERED ORIENTAL HOUSE A-25/27
ASAF ALI ROAD
NEW DELHI-110002 AND REGIONAL DIVISIONAL OFFICES IN SEVERAL PLACES
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R/O KHATKHATI
K/A (DRIVER OF THE PICK UP VEHICLE B/NO. NL-07A-7643)

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7:THE DIVISION MANAGER
NEW INDIA ASSURANCE CO. LTD. CIRCULAR ROAD DIMAPUR
NAGALAND. (INSURER OF M/CYCLE/SCOOTER B/R. NO. NL-07/EA-4273)

Advocate for : KIM PIENYU
Advocate for : P. B. CHHETRY (R/1-3) appearing for SMTI. RUPA NOMOSUDRA AND 6 ORS

Linked Case : I.A.(Civil)/120/2025

THE ORIENTAL INSURANCE COMPANY LTD.
HAVING ITS REGISTERED ORIENTAL HOUSE A-25/27
ASAF ALI ROAD
NEW DELHI-110002 AND REGIONAL DIVISIONAL OFFICES IN SEVERAL PLACES
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NAGALAND. (INSURER OF M/CYCLE/SCOOTER B/R. NO. NL-07/EA-4273)

Advocate for : KIM PIENYU
Advocate for : appearing for SMTI. RUPA NOMOSUDRA AND 6 ORS

BEFORE
HONBLE MR JUSTICE NCHUMBEMO MOZHUI

O R D E R

05.10.2026

Heard Mr. Laknyei Phom, learned counsel for the Applicant, Mr. Z. Kulnu, learned counsel for Respondent Nos. 1 to 3 and Ms. K. Lily Swu, learned counsel for Respondent No. 5.

2. The instant application has been filed under Section 5 of the Limitation Act, 1963 by the Applicant/Appellant praying for condonation of delay of 105 (one hundred and five) days in filing the connected MAC App. No. 14/2025.

3. The counsel for the Applicant submits that there is a delay of 105 (one hundred and five) days in preferring the appeal. However, the actual delay caused from the date of the impugned Judgment dated 17.03.2025 till the filing of the appeal on 15.07.2025, the delay is 125 (one hundred and twenty five) days. The delay of 105 (one hundred and five) days as reflected in the application has been inadvertently entered as fairly submitted by the counsel for the Applicant.

4. It is also submitted by the learned counsel for the Applicant that from the period dated 01.07.2025 to 13.07.2025 there was summer vacation for this Court and in between, there were 2 (two) days' holiday and the delay should have been only 15 (fifteen) days. He fairly submits that the delay of 15 (fifteen) days has been caused due to the communication between the Regional Office, Guwahati and the Divisional Office, Dimapur which was neither intentional or deliberate on their part. He, therefore, prays for condonation of 15 (fifteen) days delay in filing the connected appeal.

5. Mr. Z. Kulnu, learned counsel appears for Respondent Nos. 1 to 3 as well as Mr. K. Lily Swu, learned counsel appears for Respondent No. 5.

6. While Respondent Nos. 1 to 3 have filed their objection to the

condonation of delay. Ms. K. Lily Swu, learned counsel for Respondent No. 5 has not filed any objection and has no objection.

7. Mr. Z. Kulnu, learned counsel vehemently objects to the condonation of delay for the reason that there is no specific explanation as to each day delay caused in filing the connected appeal.

8. This Court has taken into consideration and the submissions made by the counsel for the parties and keeping in view of similar Orders passed in the connected MAC appeals, namely, MAC App. No. 12/2025 whereby this hon'ble Court, by Order dated 22.05.2026 had condoned the delay.

9. In view of the above facts and circumstances and similar order being passed condoning the delay, this Court is of the considered view that the delay be condoned. Accordingly, the application is allowed.

10. I.A. stands disposed of.

JUDGE

Comparing Assistant