GAHC020008142025

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

Case No. : I.A.(Civil)/245/2025

TATA AIG GENERAL INS. CO. LTD
HAVING ITS REGISTERED AND HEADS OFFICE IN 15TH FLOOR, TOWER A, PENINSULA BUSINESS PARK, GANPATRAO KADAM MARG, OFF SENAPATI BAPAT MARG, LOWER PEREL, MUMBAI-400013 AND REGIONAL AND DIVISIONAL OFFICES IN SEVERAL PLACES OF INDIA, INCLUDING A REGIONAL/BRANCH OFFICE AT GUWAHATI, ASSAM.

VERSUS

SMTI. MANYA KONYAK AND 3 ORS
W/O LATE HAMTOK KONYAK, R/O LAPA LAMPONG VILLAGE, H.NO. 128, P.S. TIZIT, MON, NAGALAND 2:SHRI MENTON KONYAK
R/O TOTOK VILLAGE
P.S. MON
NAGALAND. TEMPORARILY RESIDING AT MONGSENBAI WARD
MOKOKCHUNG TOWN
P.S. MOKOKCHUNG
MOKOKCHUNG NAGALAND (BROTHER-IN-LAW OF THE DECEASED)

3:SMTI. ASEN BANGNIYI
WIFE OF SHRI BANGNIYI KONYAK
R/O WAGEM WARD
MON TOWN
.S. MON
MON NAGALAND (OWNER OF THE VEHICLE)

4:SHRI SHEJONG KONYAK
SON OF SHRI PANGOM KONYAK
R/O TAMLU VILLAGE
P.S. TAMLU
LONGLENG
NAGALAND (DRIVER OF THE VEHICLE

Advocate for the Petitioner : VIKRAMJEET DEVNATH,

Advocate for the Respondent : I. APOK PONGENER (R/ 1 & 2)), RENBONI

Linked Case : MACApp./23/2025

TATA AIG GENERAL INS. CO. LTD
HAVING ITS REGISTERED AND HEADS OFFICE IN 15TH FLOOR
TOWER A
PENINSULA BUSINESS PARK
GANPATRAO KADAM MARG
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2:SHRI MENYON KONYAK
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R/O TAMLU VILLAGE
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LONGLENG
NAGALAND (DRIVER OF THE VEHICLE)

Advocate for : VIKRAMJEET DEVNATH
Advocate for : appearing for SMTI. MANYA KONYAK AND 3 ORS

Linked Case : I.A.(Civil)/246/2025

TATA AIG GENERAL INS. CO. LTD
HAVING ITS REGISTERED AND HEADS OFFICE IN 15TH FLOOR
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SON OF SHRI PANGOM KONYAK
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P.S. TAMLU
LONGLENG
NAGALAND (DRIVER OF THE VEHICLE)

Advocate for : VIKRAMJEET DEVNATH
Advocate for : appearing for SMTI. MANYA KONYAK AND 3 ORS

B E F O R E
HON'BLE MRS. JUSTICE HELEN DAWNGLIANI

ORDER

29.10.2026

Heard the learned counsel.

2. This is an application filed under Section 5 of the Limitation Act for condonation of delay of 379 days in filing an appeal against the Judgment & Award dated 17.08.2024 passed by the learned Member, MAC, Mokokchung in MACT Case No. 3/2022.

3. Mr. V. Devnath, learned counsel for the applicant, submitted that the delay which has been occasioned is unintentional and clearly bonafide. In this regard, the learned counsel submitted that the Judgment & Award dated 17.08.2024 under challenge was pronounced on 17.08.2024, and the Regional Office received the same only on 22.06.2025, and immediately

thereafter, the matter was forwarded for approval to prefer an appeal, which was granted on 24.06.2025. On 04.07.2025, the matter was assigned to counsel based in Dimapur for taking necessary action for filing an appeal. The learned counsel received the claim folder on 31.07.2025 and, upon scrutiny, found that the written statement filed by the applicant was not available, and thereafter, he sought a copy of the same.

4. He received a copy of the written statement in the latter part of August 2025, and thereafter on 31.10.2025, the Regional Office dispatched the signed and vetted papers, however, upon receipt of the same by the learned counsel, it was found that certain pages were missing and corrections were required. It is submitted by the learned counsel that the letter dated 22.06.2025, email dated 04.07.2025, email dated 19.09.2025, and delivery tracking record dated 31.10.2025 constitute contemporaneous material showing the movement and processing of the matter, and that from the successive administrative and legal stages, it is clear that there was a conscious decision to file an appeal and at no stage was the decision abandoned.

5. According to the learned counsel, condonation is sought not merely due to administrative delay, but owing to specific circumstances and the documentary chronology disclosed in the application itself. The learned

counsel therefore submitted that the conduct of the applicant immediately after receipt of the judgment and award cannot be termed as deliberate inaction. The learned counsel accordingly submitted that sufficient cause as contemplated under Section 5 of the Limitation Act has been shown in the application and that, as per the decision of the Hon'ble Apex Court in the case of ***Collector, Land Acquisition, Anantnag & Anr. v. Mst. Katiji & Ors.*** reported in ***(1987) 2 SCC 107***, the Hon'ble Supreme Court recognized that a justice-oriented and pragmatic approach is required while considering condonation of delay and that delay is not to be presumed to be deliberate or mala fide merely because it has occurred.

6. The learned counsel has placed reliance in the case of ***Inder Singh v. State of Madhya Pradesh*** reported in ***(2025) LiveLaw (SC) 339***, wherein it was observed that even though there is no quarrel with the settled principle of law that delay cannot be condoned without sufficient cause, a major aspect which has to be kept in mind is that if in a particular case the merits have to be examined, it should not be scuttled merely on the basis of limitation. The learned counsel submitted that in the instant appeal, one of the main grounds of challenge is that the vehicle in question was driven in a public place before registration, which is purely against the insurance policy.

7. The learned counsel has also relied in the case of ***Raheem Shah & Anr. v. Govind Singh & Ors.*** reported in ***(2023) LiveLaw (SC) 572*** to impress upon the point that the principle that "every day's delay must be explained" does not mean a pedantic approach should be made in the explanation of the delay, and when substantial justice and technical considerations are pitted against each other, the cause of substantial justice deserves to be preferred, for the other side cannot claim to have a vested right in injustice being done because of non-deliberate delay. Accordingly, the learned counsel has prayed for condoning the delay of 379 days in filing the connected appeal.

8. On the other hand, Mr. I. Apok pongener, learned counsel for the respondent/claimant Nos. 1 & 2, vehemently opposed the application by submitting that an execution case was filed as early as 24.10.2025 praying for execution of the impugned Judgment & Award dated 17.08.2024, and it was only after notice was issued through newspaper publication that the learned counsel for the appellant appeared before the Executing Court on 15.12.2025, and that the respondent failed to disclose the pendency of the Execution Case before this Court. According to the learned counsel, the applicant has failed to explain how the impugned Judgment & Award dated 17.08.2024 was received only on 22.06.2025, whereas from their own statement, legal opinion on the award was sought by their Regional Office

prior to 22.06.2025, which is apparent from the language used in the letter dated 22.06.2025, thereby showing that the applicant has not stated the clear facts. The learned counsel submitted that the explanation given in the application and the rejoinder-affidavit submitted by them has not exhibited due diligence on the part of the applicant in preferring the appeal, and the explanation offered is devoid of merit, inasmuch as the explanations are inconsistent and the conduct of the appellant clearly depicts lethargy and negligence.

9. According to the learned counsel, the explanation offered by the applicant in their application as well as in their rejoinder-affidavit can hardly be termed as "sufficient cause," and even though this Court, in exercise of the power conferred under Section 5 of the Indian Limitation Act, 1963, has the power to condone the delay, the explanation offered by the applicant in the present case does not depict due diligence on the part of the applicant, and equity and fair play demand that a person must assert his right within a reasonable time, otherwise the right of the other would become unenforceable. Even on the merits of the case, the learned counsel submitted that the compensation was rightly and correctly assessed and that the appeal has no merit and no legs to stand on, firstly, for failure to obtain permission under Section 170(b) from the Tribunal, and secondly, because new grounds have been raised at the appellate stage which were never

placed before the Tribunal.

10. The learned counsel therefore prays to reject the application and has placed reliance in the case of ***Shivamma (Dead) by LRs v. Karnataka Housing Board & Ors.*** reported in ***(2025) INSC 1104***, wherein it was observed by the Hon'ble Apex Court that administrative lethargy and laxity can never stand as a sufficient ground for condonation of delay.

11. I have heard the learned counsel and have perused the materials placed before this Court. In the instant case, explanation has been given by the applicant with regard to the correspondence that has taken place within the department. The material also suggests that the decision to file an appeal was taken at the very inception and at no point of time was a decision taken otherwise sufficient cause and explanation for delay have to be interpreted in the facts and circumstances of each case.

12. Upon perusal of the application in its entirety, the objections raised, as well as the grounds raised in the appeal, this Court is of the view that the appeal requires to be considered on merits and that the explanation offered does not pertain only to administrative delay, and sufficient explanation to the satisfaction of the Court has been offered in the application as well as through the further explanation given in the rejoinder-affidavit.

13. Accordingly, the delay of 379 days stands condoned and the application

is allowed.

JUDGE

Comparing Assistant