

GAHC010028322017



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

Case No. : I.A.(Civil) 2167/2017

1:THE ORIENTAL INSURANCE CO. LTD.
HAVING ITS REGISTERED OFFICE AT ASSAF ALI ROAD, NEW DELHI AND
REGIONAL OFFICE AT G.S. ROAD NEW DELHI AND REGIONAL OFFICE AT
G.S. ROAD, ULUBARI, GUWAHATI, REPRESENTED BY ITS REGIONAL
MANAGER, REGIONAL OFFICE, GUWAHATI.

VERSUS

1:JATIN KALITA and 2 ORS,
S/O LATE HANSHO RAM KALITA, REPRESENTED BY HIS WIFE SARADA
TALUKDAR, R/O VILL. ULUBARI, G.S. ROAD NEAR SBI, P.S.PALTANBAZAR,
DIST. KAMRUP M, ASSAM.

Advocate for the Petitioner : MRS.P M DUTTA

Advocate for the Respondent : MR. K BHATTACHARJEE

Linked Case : /

1:THE ORIEWNTAL INSURANCE COMPANY LTD

2: ISHAD ALI

S/O.LATE SAINUDDIN
R/O.VILLAGE-KUCHNIMARA

3: ABDUL MALEK
S/O.LATE SAINUDDIN

R/O.VILL-KUCHNIMARA

4: MATAB UDDIN
S/O.LATE ABBAS SONAR
R/O.VILL-RANGAPANI

5: SHAHAZAMAL

S/O.LATE BASARUDDIN
R/O.VILL-RANGAPANI

6: ANSAR ALI
S/O.LATE SAINUDDIN
R/O.VILL-KUCHNIMARA

7: ASAN SK @ ASANUDDIN

S/O.LATE BINUDDIN SK R/O.VILL-KUCHNIMARA

8: SAMSHER ALI

S/O.LATE MOHIJ SK
R/O.VILL-RANGAPANI

9: ANSAR ALI
S/O.LATE MOHIJ SK
R/O.VILL-KUCHNIMARA

10: HABIBUR RAHMAN

S/O.LATE BAHAJUDDIN
R/O.VILL-KUCHNIMARA

11: ABDUL FAZAL SK

S/O.LATE FUKRULLA
R/O.VILL-KUCHNIMARA

12: ABDDUL MANNAF

S/O.LATE MUSLIM UDDIN SK
R/O.VILL-KUCHNIMARA

13: MOTLEB ALI
S/O.LATE LAL MOHAMMAD
R/O.VILL-KUCHNIMARA

14: GOLAP HUSSAIN
S/O.LATE SABBAR SK
R/O.VILL-KUCHNIMARA

15: NOTI SK

S/O.LATE MOYEJULLA SKR/O.VILL-KUCHNIMARA

16: AMRUL SK @ AMIRUL ISLAM
S/O.SAMSHER ALI
R/O.VILL-RANGAPANI

17: AYE HUSSAIN

S/O.LATE SOBBAR SK
R/O.VILL-KUCHNIMARA

18: ALI AKBAR

S/O.SHAHAB UDDIN
R/O.VILL-KUCHNIMARA
ALL ARE UNDER-P.O.AND P.S.MANKACHAR
DIST.DHUBRI
ASSAM.
VERSUS

1:SRI JATIN KALITA and 2 ORS

2:THE SETTLEMENT OFFICER
DHUBRI DISTRICT
P.O. AND P.S.DHUBRI
DIST-DHUBRI
ASSAM

3:THE ASSISTANT SETTLEMENT OFFICER
MANKACHAR CIRCLE
P.O.FEKAMARI
DIST-DHUBRI
ASSAM

4:THE CIRCLE OFFICER
MANKACHAR REVENUE CIRCLE
P.O.MANKACHAR
DIST-DHUBRI
ASSAM

Advocate for the Petitioner :
Advocate for the Respondent :

**BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO**

ORDER

Date : 29-07-2019

Heard Mr. A. Dutta, learned counsel for the applicant, who submits that the respondent No. 1 is represented by his appointed counsel, Mr. K. Bhattacharjee, whereas the respondent Nos. 2 and 3 have been served notice by newspaper publication.

In this connection, he refers to the affidavit dated 26.06.2019 filed by the applicant. On perusal of the same, notice is accepted on respondent Nos. 2 and 3.

By filing this application, the applicant seeks condonation of 59 days delay in filing the connected appeal against the Judgment & Award dated 14.10.2016 passed by the learned Addl. District Judge No. 3 (FTC) Kamrup (M), Guwahati in MAC Case No. 1091/2011.

Mr. A. Dutta, learned counsel by referring to the application, more particularly paragraph Nos. 4, 5, 6 and 7 submits that the delay was on account of the various process to be undertaken by the applicant, which includes consultation with their lawyer the communication between the Regional Office, Branch Office and the Divisional Office. He submits that the delay in filing the

appeal is unintentional and it was only for bonafide reasons.

Mr. K. Bhattacharjee, learned counsel for respondent No. 1 submits that he has no objection if the delay is condoned and the appeal be heard on merits.

In view of above and upon perusal of the application and after hearing the submissions of the learned counsels, the delay of 59 days in filing the connected appeal stands condoned.

I.A. is disposed of as allowed.

JUDGE

Comparing Assistant