

GAHC010012362023



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

Case No. : I.A.(Civil)/455/2023

NATIONAL INSURANCE COMPANY LIMITED
HAVING ITS REGISTERED OFFICE AND HEAD OFFICE AT 3, MIDDLETON
STREET, KOLKATA AND ITS REGIONAL OFFICE AT BHANGAGARH, G.S.
ROAD, GUWAHATI- 781005 REPRESENTED BY THE CHIEF REGIONAL
MANAGER, GUWAHATI REGIONAL OFFICE.

VERSUS

RASHMI PRAVA TAMULY AND 4 ORS.
W/O LATE BHUDHEN TAMULY @ BUDHEN KR. TAMULY,
R/O BAGARIGURI,
P.S.- RAHA,
DIST.- NAGAON, ASSAM, PIN- 782103.
PRESENT ADDRESS- RUKMINIGAON, KHANAPARA, P.S.- DISPUR,
GUWAHATI, DIST.-- KAMRUP (M), ASSAM, PIN- 781022.

2:PRICHI PRIYA TAMULY
(MINOR)
REP. BY THE RESPONDENT NO. 1
D/O LATE BHUDHEN TAMULY @ BUDHEN KR. TAMULY
R/O BAGARIGURI
P.S.- RAHA
DIST.- NAGAON
ASSAM
PIN- 782103.
PRESENT ADDRESS- RUKMINIGAON
KHANAPARA
P.S.- DISPUR
GUWAHATI
DIST.-- KAMRUP (M)
ASSAM
PIN- 781022.

3:PRANAB TAMULY @ PRANAB J. TAMULY

(MINOR)
REP. BY THE RESPONDENT NO. 1

S/O LATE BHUDHEN TAMULY @ BUDHEN KR. TAMULY
R/O BAGARIGURI
P.S.- RAHA
DIST.- NAGAON
ASSAM
PIN- 782103.
PRESENT ADDRESS- RUKMINIGAON
KHANAPARA
P.S.- DISPUR
GUWAHATI
DIST.-- KAMRUP (M)
ASSAM
PIN- 781022.

4:DURLABH BHUMIR
S/O G. BHUMIR
R/O CHAPANALA
P.S.- MISSA
DIST.- NAGAON
ASSAM
PIN- 782138.

5:RADUSHAN TANTI
S/O LATE MANDHAN TANTI
R/O TIAJUR
CHAPANALA
DIST.- NAGAON
ASSAM
PIN- 782103

Advocate for the Petitioner : MR T KALITA, MR. A KAKATI

Advocate for the Respondent : Ms. J BARUAH, MR. R GOSWAMI, MR A SHARMA

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

Date : 25.02.2026

- 1.** Heard Mr. T. Kalita, learned counsel for the applicant. Also heard Ms. B. Dutta, learned counsel for the respondent Nos. 1, 2 and 3/claimants.
- 2.** This interlocutory application has been preferred by the applicant/Insurance Company praying for condonation of delay of 1698 days in preferring the connected MAC appeal, wherein the judgment and order dated 10.03.2016 passed in MAC Case No. 2036/2011 by the learned Member, Motor Accident Claims Tribunal No. 2, Kamrup(M) has been impugned.
- 3.** The learned counsel for the applicant has submitted that the delay in preferring the connected MAC appeal has been caused mainly due to the fact that the Insurance Company, after passing of the impugned judgment and award, had preferred a review application before the Motor Accident Claims Tribunal. The said review application was registered as Misc.(J) Case No. 6/2021 and it was finally disposed of only on 10.10.2022.
- 4.** He further submits that during the pendency of the review application, Misc.(J) Case No. 6/2021 was misplaced. He submits that the applicant has explained the cause of delay in preferring the connected appeal beyond the prescribed period of limitation in paragraph Nos. 7 to 10 of the instant interlocutory application. He submits that the reasons stated by the applicant in those paragraphs may be regarded as sufficient cause and the prayer for condonation of delay may be allowed.
- 5.** On the other hand, Ms. B. Dutta, learned counsel for respondent Nos. 1, 2 and 3/claimants does not raise any objection against condonation of delay

considering the grounds stated in the interlocutory application.

6. After going through the submissions made by the counsel for the parties as well as going through the reasons for delay in approaching the Court for filing the connected MAC Appeal, as shown in the paragraph Nos. 7 to 10 of the instant interlocutory appeal, this Court is of the considered opinion that the said reasons may be regarded as sufficient cause, which prevented the applicant in approaching this Court within the prescribed period of limitation for filing the connected appeal.

7. Accordingly, the delay of 1698 days in filing the connected MAC Appeal is hereby condoned and this interlocutory application is allowed.

8. Registry is directed to register the connected MAC Appeal and list the same for admission on 6th of March, 2026.

JUDGE

Comparing Assistant