

GAHC010013532026



undefined

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

Case No. : I.A.(Civil)/364/2026

MD KABAD ALI ALIAS KABAT ALI
S/O- LT. SUKUR ALI,R/O- VILL PUBRI KARIPARA, P.O. AND P.S. LAKHIPUR,
DIST. GOALPARA, ASSAM.

VERSUS

THE UNITED INDIA INSURANCE CO LTD AND 2 ORS
REPRESENTED BY THE REGIONAL MANAGER, HAVING ITS OFFICE AT-
CHIBBAR HOUSE, 1st FLOOR, G.S. ROAD, GUWAHATI-781005, KAMRUP M,
ASSAM. THE INSURER OF THE VEHICLE NO.AS-01Y-6343 BUS

2:PRANATI KALITA DAS

W/O- NALINI MOHAN DAS
R/O- VILL BAZARAPARA
P.O. PALASHBARI
P.S. PALASHBARI
DIST. KAMRUPM
ASSAM
PIN-781029. THE OWNER OF THE VEHICLE NO.AS-01Y-6343 BUS

3:SRI GAUTAM DAS

S/O- LT. PABIN DAS
R/O- VILL MIRZA SANTIPUR
P.O. P.S. PALASHBARI
DIST. KAMRUP
ASSAM
PIN-781029.PRESENTLY RESIDING AT VILL 2 NO. LOKPARA
P.O. P.S. BARBARI
DIST. BAKSA BTAD
ASSAM

PIN-781343.(THE DRIVER OF THE VEHICLE NO AS 01Y 6343 BUS

Advocate for the Petitioner : MR. M M ZAMAN,

Advocate for the Respondent : MR. R C PAUL(R1),

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

ORDER

Date : 08.05.2026

1. Heard Mr. M.A. Zaman, learned counsel for the applicant. Also heard Mr. R.C. Paul, learned counsel for the respondent No.1.
2. This Interlocutory Application has been filed by the applicant under Section 5 of the Limitation Act, 1963 praying for condonation of delay of 389 days in preferring the connected appeal, whereby, the judgment and award dated 25.04.2024 passed by the MACT, Goalpara in MAC Case No.305/2017 has been impugned.
3. The learned counsel for the applicant has submitted that the grounds for belated filing of the connected appeal have been stated by the applicant in Paragraph-3 of the instant application.
4. The learned counsel for the respondent No.1 has submitted that considering the grounds stated in the instant Interlocutory Application, he does not have any objection if the delay is condoned in this case.
5. I have considered the submissions made by the learned counsel for both sides.
6. After considering the grounds stated in paragraph 3 of the instant Interlocutory Application, this Court is of the considered opinion that same may be recorded as sufficient cause which prevented the applicant in preferring the connected appeal within the prescribed period of limitation.
7. Accordingly, the delay of 389 days in preferring the connected appeal is hereby condoned and this Interlocutory Application is allowed.
8. The Registry is directed to register the connected MAC Appeal and list the same for admission after a week on a date to be fixed by it.

9. The name of Mr. R.C. Paul be shown in the cause list as engaged counsel for the respondent No.1.

JUDGE

Comparing Assistant