

GAHC010017022025



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

Case No. : CRP/48/2025

ORIENTAL INSURANCE COMPANY LTD
(A CENTRAL GOVT. UNDERTAKING) HAVING ITS REGIONAL OFFICE AT
GUWAHATI, G.S. ROAD, ULUBARI, GUWAHATI-781007 REPRESENTED BY
THE DEPUTY MANAGER, GUWAHATI REGIONAL OFFICE, ULUBARI,
GUWAHATI-781007

VERSUS

SMT. DIPSA SARKAR @ DIPSA JOWADDAR
W/O UTTAM SARKAR, R/O VILL- BALABARI, WARD NO. 8, P.O. AND P.S.-
GOLOKGANJ, DIST- DHUBRI, ASSAM, PIN-783334. PRESENT ADDRESS-
SANTINAGAR, WARD NO. 1, P.O. AND P.S.- KOKRAJHAR (B.T.R.), DIST-
KOKRAJHAR (B.T.R.), ASSAM, PIN-783370

Advocate for the Petitioner : MS. R D MOZUMDAR, MR. S P SHARMA, MS. C MOZUMDAR

Advocate for the Respondent : ,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 10.04.2025

Heard Ms. R. D. Mozumder, learned counsel for the petitioner.

2. This petition, under Article 227 of the Constitution of India, the petitioner

has put to challenge the correctness or otherwise of the impugned order dated 28.10.2024, passed by the learned Member, Motor Accident Claims Tribunal, Kokrajhar in Misc.(J) M.A.C.T Case No. 05/2024.

3. It is to be noted here that vide impugned order dated 28.10.2024, the learned trial Court had allowed the petition under Section 5 of the Limitation Act, and condone the delay of 231 days in filing the claim petition preferred by the respondent herein.

4. Perused the petition and the documents placed on record and also perused the impugned order dated 28.10.2024.

5. Let notice be issued to the respondent, returnable in 4 (four) weeks. Steps be taken upon respondent by registered post with A/D and also by usual process within a week from today.

6. Ms. Mozumder, learned counsel for the petitioner submits that there is a requirement for staying the aforementioned order dated 28.10.2024, as the same was passed in absence of statutory provision of law, as Section 166, of the Motor vehicle Act does not provide for condonation of any such delay.

7. Taking note of the submission of Ms. Mozumder, the impugned order dated 28.10.2024, stands stayed till returnable date.

8. List the matter after 4 (four) weeks.

JUDGE

Comparing Assistant