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

Case No. : I.A.(Civil)/1135/2026

SURAJIT SEAL @ SURJIT SHIL
S/O LATE RANENDRA KR SEAL, R/O WARD NO. 8, DURGAPUR, P.O AND P.S-
BILASIPARA, DIST- DHUBRI, ASSAM, PIN- 783348

VERSUS

AMRISH SAHA AND 2 ORS.
S/O AHUTOSH SAHA, R/O VILL- KHANABARI, ARAIANI, P.S- BAGRIBARI,
DIST- KOKRAJHAR, ASSAM, PIN- 783349

2:NURUL HOQUE
S/O LATE MOKSHED ALI
R/O VILL- KATHALBARI
P.S- BAGRIBARI
DIST- KOKRAJHAR
ASSAM
PIN- 783349

3:THE ORIENTAL INSURANCE CO. LTD

REPRESENTED BY ITS REGIONAL MANAGER
GUWAHATI REGIONAL OFFICE
ULUBARI
GUWAHATI- 78100

Advocate for the Petitioner : MR. M TALUKDAR, B SARMA

Advocate for the Respondent : MS. R D MOZUMDAR(R3), MRS R BEGUM(R1,2),IMDADUL ISLAM(R1,2),MR. A A MONDAL(R1,2),MR R A AHMED(R1,2),MR N AHMED(R1,2),MR. S P SHARMA(R3),MS. C MOZUMDAR(R3)

Linked Case : RP(FAM.CT.)/0/0

SURAJIT SEAL ALIAS SURJIT SHIL
SOLATE RANENDRA KR SEAL
RO WARD NO 8
DURGAPUR
PO AND PS BILASIPARA
DIST DHUBRI
ASSAM
PIN 783348

VERSUS

AMRISH SAHA
SO PROTISH CH BHOWMIK
RO WARD NO 6
TUFANGANJ
DIST COOCHBEHAR
WEST BENGAL
PIN 736159

2:NURUL HOQUE
SO SACHINDRA MOHAN BASAK
RO VILL LANGALGRAM
BOXIRHAT
DIST COOCHBEHAR
WEST BENGAL
PIN 782131

3:THE ORIENTAL INSURANCE CO LTD
REPRESENTED BY ITS REGIONAL MANAGER
GUWAHATI REGIONAL OFFICE
ULUBARI
GUWAHATI 781007

Advocate for : MR MITHUN TALUKDAR
Advocate for : appearing for AMRISH SAHA

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

ORDER

Date - 27.07.2026

- 1.** Heard Mr. M. Talukdar, the learned counsel for the applicant. Also heard Ms. R. Begum, the learned counsel for the respondent Nos.1 and 2 as well as Ms. R. D. Mozumdar, the learned counsel for the respondent No. 3.
- 2.** This appeal under Section 5 of the Limitation Act, 1963 has been preferred by the applicant praying for condonation of delay of 117 days in preferring the connected MAC Appeal, wherein the judgment and order dated 16.07.2025 has passed by the Motor Accident Claims Tribunal in MAC Case number 90/2019 has been impugned.
- 3.** The learned counsel for the applicant has stated the reasons for delay in paragraph No. 3 and 4 of the instant Interlocutory Application. He submits that the applicant was prevented from approaching this Court for filing the connected appeal within the prescribed period of limitation due to the disability, which he sustained in the accident.
- 4.** The learned counsel respondent Nos. 1 and 2 has not raised any objections to the prayer for condonation of delay. However, the learned counsel for respondent No.3 has submitted that the delay has not been properly explained by the applicant, hence, the prayer for dismissal of this instant Interlocutory Application.
- 5.** I have considered the submissions made by learned counsel for both sides and have gone through the reasons stated in the instant Interlocutory Application for delay in preferring the connected appeal.

- 6.** It is stated that the applicant came to know about the impugned judgment belatedly as he was informed by his engaged counsel about the judgment belatedly. Apart from that, he has also stated that he has not been fully cured of the injury sustained by him in the accident and due to the incapacity because of disability sustained by him, he was prevented from approaching this Court within the prescribed period of limitation.
- 7.** Considering the grounds stated in the instant Interlocutory Application to be sufficient cause, which prevented the applicant from approaching this Court within the prescribed period of limitation, the delay of 117 days in preferring the connected MAC Appeal is hereby condoned and this Interlocutor Application is allowed.
- 8.** The Registry shall register the connected MAC Appeal and list the same for admission after a week on a date to be fixed by it.

JUDGE

Comparing Assistant