

GAHC010035832026



undefined

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

Case No. : I.A.(Civil)/745/2026

SMT MINATI DAS AND ANR
W/O LATE JADAB DAS, RESIDENT OF VILL.- BANKAKATA (DAKSHIN), P.S.-
CHHAYGAON, P.O.- BAMUNIGAON, DIST- KAMRUP (ASSAM). PIN- 781141.

2: KUSHAL DAS
S/O LATE JADAB DAS
RESIDENT OF VILL.- BANKAKATA (DAKSHIN)
P.S.- CHHAYGAON
P.O.- BAMUNIGAON
DIST- KAMRUP (ASSAM). PIN- 781141

VERSUS

ICICI LOMBARD GENERAL INSURANCE COMPANY LIMITED AND 2 ORS.
REPRESENTED BY ITS REGIONAL MANAGER, OFFICE- G.S. ROAD,
RUKMINI GAON, GUWAHATI -22.

2:AJIT KR. KALITA
S/O LATE HARKANTA KALITA
VILL- KHUTABARI
P.S.- DHUPDHARA
DISTRICT- GOALPARA (ASSAM)

3:MD. HAFIZUR RAHMAN
S/O NAZMUL HAQUE
RESIDENT OF HOUSE NO. 47
WARD NO. 13
DHIRENPARA
FATASIL
P.S.- FATASIL AMBARI
GUWAHATI
DISTRICT- KAMRUP (M)
ASSA

Advocate for the Petitioner : MR J MOLLAH, MS. S P DAS, MRS. A BHANU

Advocate for the Respondent : ,

In
MACApp. Case No. 2015/2026
With
MACApp. Case No. 2015/2026 (Filing
Number)

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

07.05.2026

[1] Heard Mr. J. Mollah, the learned counsel for the applicants.

[2] On perusal of the Office Note dated 04.05.2026, it appears that notice issued to respondent No. 2 has been duly served. However, none has appeared for the respondent No. 2. Therefore, this court shall proceed *ex parte* against respondent No. 2 in this interlocutory application.

[3] This application under Section 5 of the Limitation Act, 1963 has been filed by the applicants/claimants praying for condonation of delay of 17 days in preferring the connected MACAppeal, whereby the judgment and order dated 20.12.2024,

passed by the Motor Accident Claims Tribunal No. 3, Kamrup (M),in MAC Case No. 2102/2016 has been impugned.

[4] The learned counsel for the applicants submits that the delay has been properly explained in paragraph Nos. 5 and 6 of the instant interlocutory application.

[5] I have gone through the said grounds.

[6] Considering the grounds stated in paragraph Nos. 5 and 6, the instant application to be sufficient cause, which prevented the applicants from filing the connected appeal within the prescribed period of limitation, the delay of 17 days in preferring the connected appeal is hereby condoned and the instant interlocutory application is allowed.

[7] The Registry is directed to register the connected MACAppeal and list the same for admission after a week, on a date to be fixed by Registry.

[8] This interlocutory application is, accordingly, disposed of.

JUDGE

Comparing Assistant