

GAHC010039612025



undefined

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

Case No. : I.A.(Civil)/823/2025

NEW INDIA ASSURANCE CO. LTD.
HAVING ITS REGD. OFFICE AT NEW ASSURANCE BUILDING 87, MG ROAD,
MUMBAI AND ONE OF THE REGIONAL OFFICE AT STAR CITY COMPLEX,
5TH FLOOR, LACHIT NAGAR, GHY- 781005, NEAR HANUMAN MANDIR

VERSUS

SUNIL KR. DAS
S/O- LATE KHAGEN DAS, R/O- VILL. ROUMARI, PS CHAPAR, PIN- 783371,
DIST- DHUBRI, ASSAM

2:DIPA DAS
R/O. VILL.- ROUMARI
P/S. CHAPAR
PIN-783371
DIST. DHUBRI
ASSAM.

3:SONU GHOSH
W/O. RAJA GHOSH
R/O. NUNYAPATTI
WARD NO. 10
P/O. DHUBRI
PIN-783301
DIST. DHUBRI
ASSAM.

4:MEER ISLAM
S/O. NOWAB ALI
R/O. VILL.- TIAMARI
P/S. GAURIPUR
PIN-783331

DIST. DHUBRI
ASSAM.

5:THE UNITED INDIA INSURANCE CO. LTD.
REP. BY ITS BRANCH MANAGER
BILASIPARA BRANCH
MAHAMAYA BUILDING
MAIN ROAD
BILASIPARA
P/O. BILASIPARA
PIN-783348
DIST. DHUBRI
ASSAM.

6:PARTHA PRATIM SARMA
S/O. BABUL CH. SARMA
R/O. VILL.- MOWATARI
P/O. CHAPAR
PIN-783371
DIST. DHUBRI
ASSAM

Advocate for the Petitioner : MR. K K BHATTA, MS L SHARMA

Advocate for the Respondent : TAWHID LASKAR (R-3,4), S K BEGUM (R-5),MS. M CHOUDHURY (R-5),MR SISHIR DUTTA (R-5),MR B DEORI (R-1,2),MR G BHARADWAJ(R-1,2),MR. D K AGARWALA(R-3,4)

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

NEW INDIA ASSURANCE CO LTD
HAVING ITS REGD OFFICE AT NEW ASSURANCE BUILDING 87
MG ROAD
MUMBAI ND ONE OF THE REGIONAL OFFICE AT STAR CITY COMPLEX
5TH FLOOR
LACHT NAGAR
GHY- 781005
NEAR HANUMAN MANDIR

VERSUS

SUNIL KR DAS

S/O- LATE KHAGEN DAS
R/O- VILL ROUMARI
PS CHAPAR
PIN- 783371
DIST- DHUBRI
ASSAM

Advocate for : POOJA GOSWAMI
Advocate for : appearing for SUNIL KR DAS

Linked Case : C.APPLN/0/0

NEW INDIA ASSURANCE CO LTD
HAVING ITS REGD OFFICE AT NEW ASSURANCE BUILDING 87
MG ROAD
MUMBAI AND ONE OF THE REGIONAL OFFICE AT STAR CITY COMPLEX
5TH FLOOR
LACHIT NAGAR
GHY- 781005
NEAR HANUMAN MANDIR

VERSUS

SUNIL KR DAS
S/O- LATE KHAGEN DAS
R/O- VILL ROUMARI
PS CHAPAR
PIN- 783371
DIST- DHUBRI
ASSAM

Advocate for : POOJA GOSWAMI
Advocate for : appearing for SUNIL KR DAS

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

ORDER

Date : 02.04.2026

1. Heard Mr. K. K. Bhatta, the learned counsel for the applicant. Also heard Mr. G. Bhardwaj, the learned counsel for the respondent Nos.1; Ms. M. Choudhury, the learned counsel appearing for the respondent No.5 as well as Mr. S. Choudhury, the learned counsel for the respondent Nos. 3 and 4.
2. This application under Section 5 of the Limitation Act, 1963 has been filed by the New India Insurance Company Limited, praying for condonation the delay of the 80 days in filing the connected appeal.
3. The learned counsel for the respondent Nos. 1 and 2 has opposed the prayer for condonation of delay whereas the learned counsel for the respondent No.5 as well as the learned counsel for the respondent No.3 and 4 have no objection if the said delay is condoned.
4. I have gone through the reasons stated in paragraph Nos.2 to 4 of the Instant Interlocutory Application mentioned by the applicant for the cause of delay.
5. This Court is of the considered opinion that the said reason may be regarded as sufficient cause which prevented the applicant for filing the connected appeal within the prescribed period of limitation.
6. Accordingly, the delay of 80 days in preferring the connected appeal is hereby condoned and this Interlocutory Application is allowed.
7. Registry to register the connected MAC Appeal and list the same for admission on 06.04.2026.
8. The name of Mr. G. Bhardwaj may be reflected as the engaged counsel

for the respondent Nos.1 and 2 in the cause list while listing the connected appeal for admission. Similarly, the name of Ms. M. Choudhury, be reflected as the engaged counsel for the respondent No. 5 and Mr. S. Choudhury be reflected therein as the engaged counsel for the respondent Nos. 3 and 4 in the cause list, henceforth.

JUDGE

Comparing Assistant