

GAHC010054412026



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

**Case No. : I.A.(Civil)/970/2026**

NAYAN KALITA @ NAYAN MONI KALITA  
S/O BIREN KALITA, HOUSE NO. 54, MIRZA BORIHAT, P.S.- PALASHBARI,  
DIST- KAMRUP (ASSAM)

VERSUS

MAGMA HDI GENERAL INSURANCE COMPANY LTD. AND 2 ORS.  
F-FORT, SOUTH SARANIA, 2ND FLOOR, G.S. ROAD, ULUBARI, P.O.-  
GUWAHATI-781007, DIST- KAMRUP (M) (ASSAM)

2:NOBIR HUSSAIN  
S/O JALAL UDDIN  
VILL- RANGASWARI  
P.O.- TUPAMARI- 781127  
P.S.- NAGARBERA  
DIST- KAMRUP (ASSAM)

3:MONOWAR HUSSAIN  
S/O LT. KUMUD ALI HUSSAIN  
VILL- NAITAR SONAPARA  
P.O.- TUPAMARI- 781127  
DIST- KAMRUP (ASSAM)

**Advocate for the Petitioner** : MR. A R AGARWALA, MR ADITYA AGARWALA,MS. R  
LAILA,MD. K ALI

**Advocate for the Respondent** : MR. R GOSWAMI(R1), MS. M SAIKIA(R1)

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

**ORDER**

**Date : 08.05.2026**

1. Heard Mr. A.R. Agarwala, learned counsel for the applicant. Also heard Ms. D. Goswami, learned counsel appearing on behalf of Mr. R. Goswami, learned counsel for the respondent No.2.
2. This Interlocutory Application has been filed by the applicant under Section 5 of the Limitation Act, 1963 praying for condonation of delay of 14 days in preferring the connected appeal, whereby, the judgment and award dated 20.11.2025 passed by the MACT, No.2 Kamrup(M) in MAC Case No.979/2023 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, 4 & 5 of the instant application
4. The learned counsel for the respondent/Insurance Company 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 paragraphs 3, 4 & 5 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 14 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. Interlocutory Application is disposed of.
10. The name of Ms. D. Goswami and Mr. R. Goswami be shown in the Cause List as engaged counsel for the respondent No.1 henceforth.

**JUDGE**

**Comparing Assistant**