

GAHC010057572025



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

Case No. : I.A.(Civil)/783/2025

NATIONAL INSURANCE COMPANY LIMITED,
A COMPANY REGISTERED AND INCORPORATED UNDER THE COMPANIES
ACT, 1956, HAVING ITS REGISTERED OFFICE AT 3, MIDDLETON STREET,
KOLKATA AND ONE OF ITS REGIONAL OFFICE AT G.S.ROAD,
BHANGAGARH , GUWAHATI, REPRESENTED BY ITS REGIONAL
MANAGER, GUWAHATI (ASSAM)

VERSUS

PURABI MAHANTA GOSWAMI
WO LATE HIRANYA NARAYAN GOSWAMI.

2:TEJASHIRANYA GOSWAMI
S/O. LATE HIRANYA NARAYAN GOSWAMI.
BEING MINOR
REP. BY HIS MOTHER
THE RESPONDENT NO. 1.

3:SWARNA PROVA GOSWAMI
W/O. SRI BASU DEV GOSWAMI

4:BASU DEV GOSWAMI
ALL ARE THE RESIDENT OF HOUSE NO. 25
SANKARDEV NAGAR
PANJABARI
P/S. DISPUR
GUWAHATI-37.
DIST. KAMRUP (M0
ASSAM AND PERMANENT RESIDENT OF VILL.- JURIA
DOGAON
P/.S. JURIA
DIST. NAGAON
ASSAM

Advocate for the Petitioner : MRS. S ROY, MS F N ZAMAN,MS. B. HAZARIKA

Advocate for the Respondent : MR. P MAHANTA (R-1,2), C. M. MAHANTA(R-1,2),DARAK ULLAH(R-1,2),C SARMA(R-1,2),MS. P SAHARIA(R-1,2)

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

ORDER

Date : 06.05.2026

- 1.** Heard Mrs. S. Roy, learned counsel for the applicant. Also heard Mr. D. Ullah, learned counsel for the respondent/claimant.
- 2.** This application under Section 5 of the Limitation Act, 1963 has been filed by the applicant i.e., National Insurance Company Limited praying for condonation of delay of 3043 days in preferring the connected MAC appeal wherein the applicant/Insurance Company has impugned the judgment and award dated 27.10.2016, passed in MAC Case No. 1796/2015, by the Motor Accident Claims Tribunal No. 2, Kamrup(M), whereby the present applicant/Insurance Company was directed to pay a compensation amount of Rs.30,05,200/- along with an interest at the rate of 6% per annum.
- 3.** The learned counsel for the applicant has submitted that the impugned judgment was delivered by the Motor Accident Claims Tribunal on 27.10.2016. However, after the delivery of the judgment, it came to know that the claimants have indulged in fraud in seeking compensation in the aforesaid MAC case. The fact of commission of alleged fraud by the respondent/claimant came to the notice of the applicant/Insurance Company on 07.02.2017 and accordingly on 02.03.2017, the applicant/ Insurance Company preferred a review application before the Motor Accident Claims Tribunal. The said review application was registered as Misc. Case No. 9/2017.

4. The learned counsel for the applicant further submits that the Motor Accident Claims Tribunal, by its order dated 02.11.2024, had dismissed the review application. Thereafter, she submits that on 08.11.2024, the applicant had applied for getting a certified copy of the order passed in the review petition and the said certified copy was furnished to the applicant on 29.11.2024 i.e., after twenty-one days of applying for the certified copy.

5. Thereafter, on 28.02.2025, the appeal has been filed by the applicant/Insurance Company. She submits that the delay has been caused in preferring the connected appeal due to the pendency of the review application before the Motor Accident Claims Tribunal from 02.03.2017 to 02.11.2024. She submits that as the applicant had preferred a review petition against the impugned judgment and award, they could not file the appeal and said period may be deducted from the period of delay in filing the connected appeal. She submits that the reasons shown by the applicant are sufficient reasons within the meaning of the phrase as used in Section 5 of the Limitation Act, 1963.

6. On the other hand, Mr. D. Ullah, the learned counsel for the respondents has vehemently opposed the prayer for condonation of delay of 3043 days. He submits that the huge delay of 3043 has not been properly explained by the applicant and no sufficient reasons have been shown by the applicant for causing delay in preferring the connected appeal. He submits that even after getting approval from the competent authority of the applicant Insurance Company, the learned counsel for the applicant took undue time for filing of the appeal and said delay has not been properly explained by the applicant in the condonation of delay application.

7. I have considered the submissions made by learned counsel for both sides and have gone through the materials available on records.

8. Though, apparently it appears that the delay occurred in this case is a huge delay of 3043, however, this Court cannot overlook the fact that during most of the time out of the aforesaid 3043 days, there was a review application pending before the Motor Accident Claims Tribunal from 02.03.2017 to 02.11.2024 which come approximately at 2802 days. It also appears that the period of 21 days, which was consumed for getting certified copy of the order passed in review application, has also been deducted from the total period of delay as the applicant had no control over the process of the grant of certificate copy. Further, some time was also consumed in getting the approval from the competent authorities of the Insurance Company for filing the appeal.

9. It is a settled proposition of law that the courts are to take justice-oriented approach while dealing with an application for condonation of delay and since the allegation of fraud has been levelled against the claimant, this court is inclined to take a liberal approach in this matter and accordingly condone the delay which has occurred in preferring the connected MAC appeal by the applicant/Insurance Company.

10. This interlocutory application is accordingly allowed.

11. The Registry is directed to register the connected MAC appeal and list the same for admission after two weeks on a date to be fixed by it.

JUDGE

Comparing Assistant