

GAHC010064542026



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

Case No. : I.A.(Civil)/1051/2026

NATIONAL INSURANCE CO LTD
HAVING ITS REGISTERED OFFICE AT MIDDLETON STREET,KOLKATA AND
ONE OF THE REGIONAL OFFICES KNOWN AS GUWAHATI REGIONAL
OFFICE,G S ROAD BHANGAGARH,GHY-5,HAVING ONE OF ITS DIVISIONAL
OFFICE AT JORHAT AND A BRANCH OFFICE AT GOLAGHAT

VERSUS

MOHAMMAD NIZAM UDDIN
S/O-LT ASMA BEGUM,A.P.O. COLONY,MARGHERITA,DIST-
TINSUKIA,ASSAM

1.2:MOHAMMAD ANAM UDDIN
S/O-LT ASMA BEGUM
A.P.O. COLONY
MARGHERITA
DIST-TINSUKIA
ASSAM

1.3:MOHAMMAD BURHAN UDDIN
S/O-LT ASMA BEGUM
A.P.O. COLONY
MARGHERITA
DIST-TINSUKIA
ASSAM

2:MD ALAUDDIN
S/O-LT KHURSID ALI
A.P.O. COLONY
MARGHERITA
DIST-TINSUKIA
ASSA

Advocate for the Petitioner : MR. R K BHATRA,

Advocate for the Respondent : MR M SAHEWALLA,

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

ORDER

Date : 30.03.2026

1. Heard Ms. A. Biyani the learned counsel for the applicant. Also heard Ms. K. Sharma, the learned counsel for the respondents.
2. This application under Section 5 of the Limitation Act, 1963 has been filed by the applicant/Insurance Company praying for condemnation of 1155 delay in setting aside abatement as well as in filing the substitution application for substitution of the deceased respondent No. 1.
3. It is stated in the application that the connected substitution application has been filed after a delay of 1155 days. However, the learned counsel for the applicant/appellant has submitted that the applicant came to know about the death of respondent No. 1 only on 02.02.2026.
4. The learned counsel for the respondent has not opposed to the prayer of condoning the delay.

5. After considering the submissions made by the learned counsel for the parties as well as grounds stated in the instant Interlocutory Application, the delay in filing the substitution application is hereby, condoned and this Interlocutory Application is allowed.

JUDGE

Comparing Assistant