

GAHC010078752025



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

Case No. : I.A.(Civil)/1381/2025

CHOLAMANDALAM M/S. GENERAL INSURANCE COMPANY LIMITED
HAVING ITS BRANCH OFFICE ATAASTHA PLAZA, OPPOSITE OF S.B.
DEORAH COLLEGE, 4TH FLOOR, BORA SERVICE, GUWAHATI, DIST.
KAMRUP (M), ASSAM, REP. BY ITS DEPUTY MANAGER, LEGAL CLAIMS,
MR. KAIFI ANAM.

VERSUS

DIPANKAR BHARALI AND 6 ORS.
S/O. SRI. ABHAY BHARALI

2:PHULEKHA BHARALI
W/O. DIPANKAR BHARALI
BOTH ARE RESIDENT OF VILL.- HATIGARH (KUCHIYANI)
P/O. RAJAMAYONG
P/S. MAYONG
DIST. MORIGAON
ASSAM
PIN-782411

3:SAMSUDDIN AHMED
S/O. AMIRUDDIN AHMED
R/O. VILL.- KUKUWARI
P/O. KURANIBORI
P/S. MAYONG
DIST. MORIGAON
ASSAM
PIN-782411.

4:ACHYUT DEKA
S/O. DIPEN CH. DEKA
R/O. VILL.- BILIMARI
P/O. JHARGAON
DIST. MORIGAON

ASSAM
PIN-782411

5:THE DIVISIONAL MANAGER UNITED INDIA INSURANCE CO. LTD.
G.S. ROAD
BORA SERVICE
ULUBARI
GUWAHATI
ASSAM
DIST. KAMRUP (M0
ASSAM
PIN-781007.

6:JITUMONI SAIKIA
S/O. SRI HARENDRA SAIKIA
R/O. LOONMATI
P/O. RAJAMAYONG
P/S. MAYONG
DIST. MORIGAON
ASSAM
PIN-782411.

7:UDHAB SAIKIA
S/O. LT. PRAFULLA SAIKIA
R/O. VILL.- HATIGARH (KUCHIYANI)
P/O. RAJAMAYONG
P/S. MAYONG
DIST. MORIGAON
ASSAM
PIN-782411

Advocate for the Petitioner : MR. A BHATTACHARYYA,

Advocate for the Respondent : MR. B BISHAYA (R-7), MR T KALITA(R5),MR. A KAKATI(R5),MR P S RAJA (R-4),B SARMA (R-1,2),MR. M TALUKDAR(R-1,2),MR. B U LASKAR(R-7)

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

ORDER

Date : 30.03.2026

- 1.** Heard Mr. A. Bhattacharyya, learned counsel for the applicant. Also heard Mr. M. Talukdar, learned counsel for the respondent Nos. 1 and 2/claimants, Mr. T. Kalita, learned counsel for the respondent No. 5 and Mr. P. S. Raja, learned counsel for the respondent No. 4.
- 2.** This application under Section 5 of the Limitation Act, 1963 has been preferred by the applicant/Insurance Company praying for condonation of delay of 83 days in preferring the connected MAC appeal whereby the judgment and award dated 28.10.2024, passed by the Motor Accident Claims Tribunal, Morigaon, in MAC (Death) Case No. 56/2016 has been impugned.
- 3.** Since, the claimants i.e., respondent Nos. 1 and 2 have raised no objection against the prayer made by the applicant, the notice to respondent No. 3 is hereby waived.
- 4.** The learned counsel for the respondent Nos. 4 and 5 have also not made any objection against the prayer for condonation of delay.
- 5.** Considering the submissions made by the learned counsel for the parties as well as considering the grounds stated in the present application, for showing the cause for belated filing of the connected appeal beyond the prescribed period of limitation to be sufficient cause, the delay of 83 days in filing the connected appeal is hereby condoned and this interlocutory application is accordingly disposed of.
- 6.** 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.

- 7.** The name of Mr. M. Talukdar, learned counsel may be reflected in the cause-list while listing the connected MAC appeal for admission.
- 8.** The name of Mr. T. Kalita, learned counsel may also be reflected in the cause-list as engaged counsel for the respondent No. 5 henceforth.
- 9.** The appellant shall furnish requisite numbers of copies of memo of appeal along with annexures to the learned counsel for the respondents.

JUDGE

Comparing Assistant