

GAHC010084262024



2026:GAU-AS:7358

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

Case No. : I.A.(Civil)/1298/2024

THE FUTURE GENERAL INDIA INSURANCE CO LTD
REP. BY THE MANAGER CHRISTIAN BASTI, NEAR MANIK CHAND AND
SONS JEWELLERS, GUWAHATI- 5, KAMRUP(M), ASSAM.

VERSUS

JAYMATI KACHARI AND 2 ORS.
W/O LATE BIREN CHANDRA KACHARI, RESIDING AT VILL.- BAGARIBARI,
PO.- BARANGABARI, P.S.- KHOIRABARI, DIST.- UDALGURI (B.T.A.D),
ASSAM.

2:MAHENDRA DEKA
W/O LATE BHABI RAM DEKA
RESIDING AT VILL.- BAGARGABARI
PO.- BARANGABARI
P.S.- KHOIRABARI
DIST.- UDALGURI (B.T.A.D)
ASSAM.

3:DIPAK CHANDRA DAS
S/O LATE CHANDI RAM DAS

VILL.- HUSSAIN CHUBURI
P.S.- SIPAJHAR
DIST.- DARRANG
ASSAM

Advocate for the Petitioner : MR. R GOSWAMI, MS. P BORTHAKUR,MS. M SAIKIA

Advocate for the Respondent : MR D K KALITA (R-1),

Linked Case :

THE FUTURE GENERAL INDIA INSURANCE CO. LTD

VERSUS

JAYMATI KACHARI AND 2 ORS E

Advocate for : MR. R GOSWAMI

Advocate for : appearing for JAYMATI KACHARI AND 2 ORS E

Linked Case : MACApp./285/2013

JAYMATI KACHARI
W/O LT. BIREN CH. KACHARI
RESIDING AT VILL. BAGARIBARI
PO. BARANGABARI
PS. KHOIRABARI
DIST. UDALGURI
BTAD
ASSAM.

VERSUS

THE FUTURE GENERAL INDIA INSURANCE CO. LTD and 2 ORS.
DEE TEE TOWERS
PENTALON BUILDING
NEAR DOWN TOWN HOSPITA
GUWAHATI
DIST. KAMRUP
ASSAM
REP. BY MANAGER
VIDE COVER NOTE NO. A5196302 and POL. NO. 20090V0531450-FCV
VALID UPTO 12.12.2010. INSURER OF THE VEHICLE NO. AS-13-C-1003 TATA
SPECIO.

2:MAHENDRA DEKA

S/O LT. BHABI RAM DEKA
R/O VILL. BARANGABARI
PO. BAANGABARI
PS. KHOIRABARI
DIST. UDALGURI
BTAD
ASSAM OWNER OF THE VEHICLE NO. AS-13-C-1003 TATA SPECIO.

3:DIPAK CH. DAS

S/O LT. CHANDI RAM DAS
R/O VILL. HUSSAIN CHUBURI
PS. SIPAJHAR
DIST. DARRANG
ASSAM. DRIVER OF THE VEHICLE NO. AS-13-C-1003 TATA SPECIO.

Advocate for : MR.H SARMA
Advocate for : MR.R GOSWAMI appearing for THE FUTURE GENERAL INDIA
INSURANCE CO. LTD and 2 ORS.

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN**

ORDER

27.05.2026

Heard Mr. R. Goswami, learned counsel for the applicant and Mr. D. K. Kalita, learned counsel for the opposite party No. 1.

2. Mr. Goswami, learned counsel for the applicant submits that the name of the respondent/opposite party No. 3, who is the driver of the offending vehicle; may be struck off from the array of this application.

3. Accordingly, taking note of the submission of Mr. Goswami, learned counsel for the applicant, it is provided that the name of the respondent/opposite party No. 3 may be struck off from the array of this application, at the cost and risk of the

applicant.

4. Mr. Goswami, learned counsel for the applicant submits that this application is filed under Section 5 of the Limitation Act, 1963, for condonation of delay of 60 (sixty) days in preferring the Review Petition.

5. Mr. Goswami, learned counsel for the applicant further submits that the Judgment was passed by this Court in MAC Appeal No. 285/2013, on 12.01.2024, and the Review Petition could not be filed in time as after the judgment, being passed by this Court on 12.01.2024, the same was transmitted to the Kolkata Office of the applicant on 31.01.2024, for legal opinion and there was a delay in obtaining opinion. Thereafter, the Review Petition was prepared and forwarded to the Kolkata Office, and in the meanwhile, delay of 60 (sixty) days had occurred and the same was not intentional, rather, it was circumstantial; and that the appeal has merit and therefore, it is contended to condone the same and to admit the appeal.

6. Mr. Kalita, learned counsel for the opposite party No. 1, submits that he has no objection in the event of condoning the delay of 60 days, in preferring the connected Review Petition.

7. Having heard the submissions of the learned counsel for both the parties, this Court has carefully gone through the application and the documents placed on record and also the explanation put forward in paragraph No. 2 of the application, for the delay of 60 (sixty) days in preferring the Review Petition. It appears that the delay has sufficiently been explained.

8. Accordingly, taking note of the submission of the learned counsel for both the parties and also considering the explanation, so put forward in the application, they delay of 60 days stands condoned.

9. In view of the order passed in this interlocutory application, the Registry shall

register the Review Petition and list the same before this Court, as soon as practicable.

JUDGE

Comparing Assistant