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

**Case No. : I.A.(Civil)/2554/2025**

UNITED INDIA INSURANCE CO. LTD.  
HAVING IT REGISTERED AND HEAD OFFICE T 24 WHITES ROAD,  
CHENNAI 600014 AND ITS REGIONAL OFFICE AT CHIBBAR HOUSE, 1ST  
FLOOR, G.S. ROAD, NEAR DISPUR, P.O. GUWAHATI, KAMRUP (M), PIN  
781005 REPRESENTED BY THE REGIONAL MANAGER, GUWAHATI  
REGIONAL OFFICE

VERSUS

ANIMA KHATUN AND 6 ORS  
W/O LATE HUNTI AHMED @ KHONTI

2:MD. RAJIB AHMED

S/O LATE HUNTI AHMED @ KHONTI  
BOTH R/O VILL. NO. 3  
BILOTIA  
P.S. DHING  
DIST. NAGAON  
ASSAM  
PIN 782123 PRESENTLY RESIDING AT NELLIE  
P.S. JAGIROAD  
DIST. MORIGAON  
ASSAM  
PIN 782410

3:RISHAB PHUKAN

S/O JITEN PHUKAN  
CARE OF RAHUL  
HOUSE NO. 421  
KHEPINDAL

BHETKUCHI  
P.S. SAWKUCHI  
GARCHUK  
DIST. KAMRUP (M)  
ASSAM  
PIN 781035

4:NEW INDIA ASSURANCE CO LTD.  
REPRESENTED BY THE REGIONAL MANAGER  
5TH FLOOR OF STAR CITY COMPLEX  
NEAR HANUMAN MANDIR  
LACHIT NAGAR  
GUWAHATI  
KAMRUP (M)  
ASSAM  
PIN 781007

5:BASANTA KUMAR RAZAK

S/O LATE SACHU RAZAK  
R/O GROUND FLOOR  
9TH MILE  
AMERIGOG HASTINAPUR  
KAMRUP (M)  
GUWAHATI  
PIN 781023

6:RAJEN DUTTA

S/O SRI PARAS DUTTA  
R/O VILL. 2 NO DHAMAN  
P.S. TINGKONG  
DIST. DIBRUGARH  
ASSAM  
PIN 786150

7:DIPAK SINGHA

S/O SURYA CHANDRA SINGHA  
R/O PACHIM BALUHANDAR P.S. LANKA  
DIST. HOJAI  
ASSAM  
PIN 78244

**Advocate for the Petitioner** : MR T KALITA, MR. A KAKATI

**Advocate for the Respondent** : B SARMA (R-1,2), A BIYANI (R-4),MR. A SAIKIA(R-4),R JAMAN (R-5,7),MR. M TALUKDAR (R-1,2)

Linked Case : RP(FAM.CT.)/0/0

UNITED INDIA INSURANCE COMPANY LTD  
GUWAHATI

VERSUS

ANIMA KHATUN AND ORS  
MORIGAON

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Advocate for : Tridib Kalita  
Advocate for : appearing for ANIMA KHATUN AND ORS

Linked Case : C.APPLN/0/0

UNITED INDIA INSURANCE COMPANY LTD  
GUWAHATI

VERSUS

ANIMA KHATUN AND ORS  
MORIGAON

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Advocate for : Tridib Kalita  
Advocate for : appearing for ANIMA KHATUN AND ORS

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

**ORDER**

**Date : 01.04.2026**

- 1.** Heard Mr. A. Kakati, the learned counsel for the applicant. Also heard Mr. M. Talukdar, the learned counsel for the respondent Nos. 1 and 2/claimants.
- 2.** Though, the respondent No.4 has filed written objection, however, the counsel for the respondent No.4 was not found on call.
- 3.** Since the claimant i.e., the respondent Nos. 1 and 2 have not opposed the prayer for condonation of delay, hence the notice to the respondent No.6, who is the driver of the bus, which is insured by the present appellant, is waived.
- 4.** This Interlocutory Application has been filed by the United India Insurance Company Limited praying for condonation of delay of 108 days in preferring the connected MAC Appeal impugning the judgment and award dated 12.11.2024 passed by the Motor Accident Claims Tribunal, Morigaon in MAC (D) Case No. 74/2019, whereby the present applicant was directed to pay a compensation amount of Rs.24,83,000/- with an interest @ 6% to the claimant/respondent.
- 5.** The learned counsel for the applicant has submitted that the reasons for delay in filing the connected appeal has been explained by the applicant in paragraph Nos. 3 to 8 of the instant Interlocutory

Application.

- 6.** The main reason cited therein is that the delay has been caused in taking administrative approval of various authorities before filing the connected appeal.
- 7.** I have considered the submissions made by learned counsel for both sides. The claimant/respondent has not opposed the prayer for condoning the delay.
- 8.** Though, the respondent No. 4 in its written objection has opposed the condonation of delay on the ground that the reasons, which are purely administrative in nature cannot be regarded as sufficient cause under Section 5 of the Limitation Act, 1963 and it is also stated therein that there some unexplained time gaps in filing the connected appeal by the appellant, which reflects lack of due diligence and casual approach adopted by the applicant in filing the connected appeal as well as the instant Interlocutory Application.
- 9.** It is well stated that while considering an application for condonation of delay under Section 5 of the Limitation Act, 1963 a justice oriented approach has to be taken by this Court.
- 10.** In this case, it is not the case that the delay has not been properly explained. The applicant has cited the reasons of delay in obtaining necessary administrative approvals before filing the connected appeal, as the cause of the delay in the instant case.
- 11.** By taking a liberal approach in the matter, and more so, in view of the fact that the claimant/respondent has not opposed the prayer for

condemnation of the delay.

- 12.** This Court is of the considered opinion that the reasons cited for delay in filing the connected appeal in paragraph Nos.3 to 8 of the instant Interlocutory Application will be regarded as sufficient cause, which prevented the applicant in approaching this Court for filing the connected MAC Appeal within the prescribed period of limitation.
- 13.** Accordingly, the delay of 108 days in filing the connected appeal is hereby condoned and this Interlocutory Application is allowed.
- 14.** 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.
- 15.** The name of Mr. M. Talukdar may be reflected in the cause list as engaged counsel of the claimant/respondent.

**JUDGE**

**Comparing Assistant**