

GAHC010156592020



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

Case No. : I.A.(Civil)/1868/2020

NATIONAL INSURANCE COMPANY LTD.
HAVING ITS REGISTERED OFFICE AND HEAD OFFICE AT 3, MIDDLETON
STREET KOLKATA AND ITS REGIONAL OFFICE AT G.S. ROAD,
BHANGAGARH, GUWAHATI.

VERSUS

SMTI. KONMAI SAIKIA AND 3 ORS.
W/O- LATE BIPIN CHANDRA SAIKIA, R/O- VILLAGE- 1 NO. MOUMARI
GAON, P.O. KATHALGURI, P.S. DULIAJAN, DIST.- DIBRUGARH, ASSAM,
PIN- 786602.

2:PABITRA SAIKIA
S/O- LATE BIPIN CHANDRA SAIKIA
R/O- VILLAGE- 1 NO. MOUMARI GAON
P.O. KATHALGURI
P.S. DULIAJAN
DIST.- DIBRUGARH
ASSAM
PIN- 786602.

3:KUKHAL SAIKIA
S/O- LATE BIPIN CHANDRA SAIKIA
R/O- VILLAGE- 1 NO. MOUMARI GAON
P.O. KATHALGURI
P.S. DULIAJAN
DIST.- DIBRUGARH
ASSAM
PIN- 786602.

4:JAYJIT GOGOI
S/O- NANDESWAR GOGOI
R/O- VILL.- LAHOWAL CHANGMAI GAON
P.O. AND P.S. LAHOWAL
DIST.- DIBRUGARH
ASSAM
PIN- 786010

Advocate for the Petitioner : MR. R GOSWAMI

Advocate for the Respondent : MR. K R BORA

Linked Case :

NATIONAL INSURANCE COMPANY LTD.

VERSUS

KONMAI SAIKIA AND 3 ORS. (H)

Advocate for :

Advocate for : appearing for KONMAI SAIKIA AND 3 ORS. (H)

Linked Case :

NATIONAL INSURANCE COMPANY LTD

VERSUS

KONMAI SAIKIA AND 3 ORS.

Advocate for :

Advocate for : appearing for KONMAI SAIKIA AND 3 ORS.

**BEFORE
HONOURABLE MR. JUSTICE NANI TAGIA**

ORDER

Date : 08.11.2021

Heard Mr. R. Goswami, learned counsel for the applicant, Mr. K.R. Bora, learned counsel for the opposite party nos.1, 2 and 3 and Ms. P. Baniya, learned counsel for the opposite party no.4.

This is an application under Section 5 of the Limitation Act, 1963 read with Section 173 of the M.V. Act, 1988 for condoning the delay of 63 days in preferring the connected MAC Appeal, which is directed against the judgment and award dated 14.10.2019 passed by the learned Member, Motor Accident Claims Tribunal No.1, Kamrup, Guwahati in MAC Case No.1447/2015.

The reason for delay of 63 days in preferring the connected appeal has been explained to be on account of correspondence made between the divisional office and the regional office of the applicant.

Upon considering the explanation given by the applicant and upon hearing the learned counsel for the contesting parties, this Court is inclined to accept the same as good and sufficient cause which has prevented the applicant from preferring the connected MAC Appeal within the stipulated time.

Accordingly, the delay of 63 days in preferring the connected MAC Appeal is hereby condoned for the interest of justice.

The connected MAC Appeal shall now be registered and list it for admission hearing.

I.A. stands allowed and disposed of.

JUDGE

Comparing Assistant