

GAHC010152222023



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

Case No. : I.A.(Civil)/3438/2023

UNITED INDIA INSURANCE COMPANY LTD.
(SUBSIDIARY OF GENERAL INSURANCE CORPORATION OF INDIA)
REGISTERED HEAD OFFICE AT 24 WHITES ROAD, MADRAS- 600014 REP.
BY THE ADMINISTRATIVE OFFICER, GAUHATI REGIONAL OFFICE, G.S.
ROAD, GUWAHATI- 781005.

VERSUS

PARBATI DEVI AND 4 ORS.
W/O LATE DALMOHAN CHETRY,
VILL.- NO. 2 BORJARANI, MONABARI GRANT,
P.O.- BORJARANI,
P.S.- GINGIA,
DIST.- SONITPUR, ASSAM, PIN- 784184.

2:KHUSBU DEVI
D/O LATE DALMOHAN CHETRY

VILL.- NO. 2 BORJARANI
MONABARI GRANT

P.O.- BORJARANI

P.S.- GINGIA

DIST.- SONITPUR
ASSAM
PIN- 784184.

3:DIBAKAR CHETRY
S/O LATE DALMOHAN CHETRY

VILL.- NO. 2 BORJARANI

MONABARI GRANT

P.O.- BORJARANI

P.S.- GINGIA

DIST.- SONITPUR
ASSAM
PIN- 784184.

4:MD. SAFIKUL ALAM
S/O MD. KUDDUS ALI

VILL.- BRAHMAPUTRA CHAPARI

P.O.- BURIGANG
P.S.- GINGIA

DIST.- SONITPUR
ASSAM
PIN- 784175.

5:MD. RABIUL HUSSAIN
S/O MD. MIRJAD ALI

VILL.- NO. 2 ADAVETI

P.O.- TEWARIPAL
P.S.- SOOTEA

DIST.- SONITPUR
ASSAM
PIN- 784175

Advocate for the Petitioner : MS. R D MOZUMDAR, MR. S P SHARMA,MS. C MOZUMDAR

Advocate for the Respondent : MR. P J SAIKIA, SR. ADV, MR. P BORDOLOI,MS. M KECHII

Linked Case :

UNITED INDIA INSURANCE COMPANY LTD

VERSUS

PARBATI DEVI AND 4 ORS (A)

Advocate for : MS. R D MOZUMDAR
Advocate for : appearing for PARBATI DEVI AND 4 ORS (A)

**BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG**

ORDER

Date : 11.12.2024

Heard Ms. R.D. Mazumdar, learned counsel for the applicant and Mr. P. Bordoloi, learned counsel for the respondent/ opposite party No. 1.

This is an application filed under Section 173 of the M.V. Act, read with Section 5 of the Limitation Act, 1963 for condoning the delay of 118 days in preferring the connected appeal against the impugned judgment dated 30.11.2022, passed by the learned Member, Motor Accident Claims Tribunal, Biswanath, Biswanath Chariali in MAC Case No. 124(D)/ 2015.

The grounds for delay of 118 days have been properly explained in paragraphs 3, 4, 5 and 6 of the application. I have perused the same.

The learned counsel for the applicant submits that there was an official delay of 20 days. The judgment was passed on 30.11.2022, and the dealing counsel provided his legal opinion only on 09.06.2023 i.e. after 91 days of passing of the judgment. Thereafter the file was put up before the competent authority for filing appeal. Accordingly, the appeal was prepared on 30.06.2023, and handed over to the chamber of counsel on the same date for filing the appeal. The learned counsel for the applicant further submits that the counsel took 11 days to prepare the appeal and thereafter, the appeal was filed on 11.07.2023, and in the process, there was a delay of 118 days. Thus, there was no deliberate negligent or laches on the part of the applicant for causing the delay in preferring the connected appeal.

The learned counsel for the respondent has opposed the contention of delay by filing affidavit-in-opposite stating that the official delay cannot be reason for causing delay in

preferring the connected appeal.

I have perused the affidavit-in-opposition and considered.

Heard both sides.

On consideration, this court is satisfied that the applicant has been able to explain properly the ground for delay in filing the connected appeal and that the applicant was prevented from sufficient causes for not preferring the connected appeal within the stipulated time.

In view of the above and for ends of justice, the delay of 118 days in filing the connected appeal is hereby condoned.

The IA stands allowed and disposed of.

Registry is directed to register the connected appeal and list the matter for admission.

JUDGE

Comparing Assistant