

GAHC010178932024



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

Case No. : I.A.(Civil)/2748/2024

THE ORIENTAL INSURANCE COMPANY LTD
HAVING ITS REGIONAL OFFICE AT GODREJ BUILDING, ULUBARI, GHY-07,
REPRESENTED BY ITS DEPUTY MANAGER

VERSUS

HARIMON BISWAS AND 2 ORS
S/O. LT. ANIL BISWAS, R/O. VILL. FENLKATI, P/O. AND P/S. LALUK, DIST.
NORTH LAKHIMPUR.

2:MD. MOHIBUL GOFUR
DRIVER OF VEHICLE BEARING REGISTRATION NO. AS. 07S/5060 (DATSUN
GO)

3:MD. SOMIR RAHMAN
OWNER OF THE VEHICLE BEARING REGISTRATION NO. AS 07S/5060
(DUTSUN GO)

Advocate for the Petitioner : MR. J KALITA,

Advocate for the Respondent : MR. S C BISWAS (R1), MS. J GHOSH (R1),MS A BORAH
(R1),MS. U NANDA (R1)

Linked Case :

THE ORIENTAL INSURANCE COMPANY LTD

VERSUS

HARIMON BISWAS AND 2 ORS F

Advocate for : MR. J KALITA
Advocate for : appearing for HARIMON BISWAS AND 2 ORS F

Linked Case :

THE ORIENTAL INSURANCE COMPANY LTD

VERSUS

HARIMON BISWAS AND 2 ORS F

Advocate for : MR. J KALITA
Advocate for : appearing for HARIMON BISWAS AND 2 ORS F

B E F O R E
HON'BLE MRS. JUSTICE MARLI VANKUNG
ORDER

14.05.2025

Mr. S. Kathak, learned counsel appearing for the applicant/appellant is present and submits that the names of respondent Nos. 2 & 3 may be struck off, since they are just proforma respondents and the connected appeal being only the quantum of the award.

In view of the above, the names of respondent Nos. 2 & 3 may be struck off.

Ms. U. Nanda appears on behalf of respondent No. 1 while Mr. S. Kathak, learned counsel for the applicant/appellant submits that the delay of 23 days in filing an appeal against the connected Judgment and Order dated 03.04.2024, passed by the Member, Motor Accident Claims Tribunal, Lakhimpur in MAC Case No. 9/ 2022 has been explained at para 6 of the application. He submits that

the main grounds for the delay of 23 days is the time taken to consult their counsel after getting the certified true copy of the judgment and order and also to get the opinion of the main ground.

Ms. U. Nanda, learned counsel for the respondent No. 1 submits that they have no objection to the condonation of delay of 23 days.

In view of the above submission, this Court on perusal of para 6 of the application finds that the explanation given for the delay of 23 days in filing the connected appeal against the Judgment & Order dated 03.04.2024 is not due to any laches or negligence on the part of the applicant and accordingly, find it fit to condone the delay of 23 days.

In view of the above, the I.A.(Civil)/2748/2024 stands allowed and disposed of.

The Registry to give number to the main MACApp. and list it for admission hearing **after 2 (two) weeks.**

JUDGE

Comparing Assistant