

GAHC010218582023



2026:GAU-AS:5457

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

Case No. : I.A.(Civil)/3278/2023

RAHIM ALI @ ABDUR RAHIM ALI AND 2 ORS
S/O LATE SHAHAB ALI, RESIDENT OF VILLAGE KALMUABARI, PS
MIKIRBHETA, DIST MORIGAON, ASSAM

2: REKIBUDDIN AHMED
S/O RAHIM ALI @ ABDUR RAHIM ALI

RESIDENT OF VILLAGE KALMUABARI

PS MIKIRBHETA
DIST MORIGAON
ASSAM
TO BE REP. BY PET. NO. 1

3: INZAMUL HOQUE
S/O RAHIM ALI @ ABDUR RAHIM ALI

RESIDENT OF VILLAGE KALMUABARI

PS MIKIRBHETA
DIST MORIGAON
ASSAM
TO BE REP. BY PET. NO.

VERSUS

THE NEW INDIA ASSURANCE CO. LTD. AND 2 ORS.
REPRESENTED BY REGIONAL MANAGER, GS ROAD, ULUBARI, GUWAHATI
781007, ASSAM

Advocate for the Petitioner : MR. A R AGARWALA, MS. R LAILA, MD. K ALI

Advocate for the Respondent : MR. R C PAUL (r-1),

Linked Case :

RAHIM ALI @ ABDUR RAHIM ALI AND 2 ORS

VERSUS

THE NEW INDIA ASSURANCE CO. LTD. AND 2 ORS. B

Advocate for : MR. A R AGARWALA
Advocate for : appearing for THE NEW INDIA ASSURANCE CO. LTD. AND 2 ORS.
B

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

22.04.2026

Learned counsel, Mr. A.R. Agarwala, is present for the applicant. Mr. R.C. Paul, learned counsel is present for respondent no.1/Insurance Company.

This is an application u/s 5 of the Limitation Act, 1963, filed by the applicant, namely, **Rahim Ali @ Abdur Rahim Ali**, praying for condonation of delay of 481 days in preferring the appeal against the judgment and order dated 21.01.2022, passed by the learned Member, MACT No.1, Kamrup(M), Guwahati in MAC Case No.2736/2015.

Mr. R.C. Paul, learned counsel for respondent no.1/Insurance Company has raised an objection stating that applicant has, in a casual manner, without showing any sufficient grounds and with malafide, has prayed for condonation of delay.

I have considered the submissions at the Bar with circumspection.

The applicant has explained the reasons of ground of delay, which is reproduced herein below verbatim :-

“ 3. That the petitioner states that the Judgment and Award was passed on 21-01-2022, the lower court counsel applied for the certified copy of the same on 29-01-2022. The said certified copy was made ready for delivery on 29-01-2022 and was delivered on 29-01-2022. But the lower court counsel informed the passing of the judgment only on 15.03.2022 and the petitioner went to meet the lower Court counsel for consultation 11.04.22, but found that the lower court counsel went for 'Bihu holidays' and the petitioner came back home and again went on 28.04.22 after his return from holidays and received the certified copies. The petitioner No.1 came back home and as per advice went to meet the High Court counsel on 16.05.2022 for consultation but found the Court holiday on being 'Budha Purnima' and again the petitioner went on 13.06.2022 and handed over to him the certified copies but the High Court counsel told that the copies of evidences etc. are missing, which were required for filing the appeal and for taking reasonable grounds of appeal and hence the petitioner came back home and informed the lower court counsel about the same and the lower court counsel informed that he will search for the required copies of evidences in his chamber and asked the petitioner to come on 08.07.2022. The petitioner could not go on 08.07.2022 because he could not get attendant to keeping at home his minor children. The petitioner went to meet the lower court

counsel on 12.08.22 but could not meet him as he went for 'Independence Day' holidays to Delhi. Again the petitioner went on 08.09.2022 and got the copy of evidences and decided to meet the High Court counsel as per instruction of the Lower Court counsel.

4. That after getting the copy of evidences the petitioner decided to meet the High Court counsel on 30.09.2022 and went to Guwahati on 30.09.2022, but found that the High Court counsel went for long vacation of 'Durga Puja 'Kali Puja' etc. till 18.10.2022 and returned home and again decided to meet the High Court lawyer on 29.11.2022, but he could not go because of 'illness of his first minor child ' and went on 22.12.22 but found lawyers chamber close and it was stated that he went for 'Winter vacation & Christmas' holidays and went on 11.01.23 and handed over him the copy of evidences. The High Court Lawyer asked the petitioner to come after 'Makar Sankranti & Magh Bihu' holidays and accordingly the petitioner No.1 decided to meet the High Court lawyer on 20.02.2023 but could not go because of illness of his second child and after some recovery went on 07.04.23 but found that the "lawyers Chamber' and Court close for 'Good Friday' and accordingly the petitioner no.1 returned home and went on 10.05.2023 after 'Bahag Bihu & 'Budha Purnima' holidays and handed over him the certified copies of evidences and the High Court lawyer asked the petitioner to come 07.06.23 for consultation and accordingly the petitioner went on 07.06.23 and after going through the all copies the High Court counsel apprises that there are good grounds for appeal and asked the petitioner to come on 30.06.2023 and accordingly the petitioner went on 30.06.23 but the High Court lawyer was absent and it is stated that he has gone outside for long summer vacation till 17.07.23 and accordingly on his return the petitioner decided to meet the counsel on 2.08.23 but the petitioner could not go for financial constraints and went on 11.09.2023 after 'Madhab Dev Tithi' and 'Janmastami'".

The applicant has also relied on the decision of the Hon'ble Supreme Court in *Collector of Land Acquisition, Anantnag Vs. Katiji*, 1987 (2) SCC 107, wherein it has been observed that explaining day to day delay cannot be construed in a pedantic manner and the Court should always take a pragmatic view while construing 'sufficient cause' and the explanation advanced for the delay.

I have considered the plea by the applicant.

No malafide is discernible and sufficient grounds have been shown. It appears that delay of 481 days may be condoned. Accordingly, the delay is condoned.

Registry is directed to register the connected appeal.

The name of Mr. R.C. Paul, learned counsel for respondent no.1/Insurance Company shall be shown in the cause-list, when this appeal is listed.

In terms of the above observation, this application stands disposed of.

JUDGE

Comparing Assistant