

GAHC010278662025



2026:GAU-AS:1357

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

Case No. : I.A.(Civil)/4150/2025

NUR NAHAR PARBIN
WIFE OF ISMAIL HUSSAIN, RESIDENT OF VILLAGE BRMAJORCHAR, P.O.
KALAI RDIA, P.S. ALOPATICHAR, BRDIST. BARPETA, ASSAM.

VERSUS

THE ORIENTAL INSURANCE COMPANY LTD AND ANR
REPRESENTED BY THE DIVISIONAL MANAGER, BRHAVING ITS OFFICE AT-
BONGAIGAON, P.O. BRDISTRICT- BONGAIGAON, ASSAM. PIN-
783380, HAVING ITS BRANCH OFFICE AT- BARPETA ROAD, BRP.O. P.S.
BARPETA ROAD, DIST. BARPETA, BRASSAM, PIN-781315.

2: SABED ALI MIA

S/O MD. SAIYED ALI MIYA
C/O SHAHIDUR HUSSAIN
HOUSE NO. 32 SATGAON
AMBARI
GUWAHATI
P.S. SATGAON
DIST. KAMRUP (M)
ASSAM.
PRESENTLY RESIDING AT VILL. KARERTAI
P.O BHATKUCHI
P.S. BARPETA
DIST. BARPETA
ASSAM

Advocate for the Petitioner : MR. N J DUTTA, MR. I ISLAM, MR M M ZAMAN, MR N AHMED

Advocate for the Respondent : MR SISHIR DUTTA (R-1), S K BEGUM (R-1), MS. M
CHOUDHURY (R-1)

Linked Case : C.APPLN/0/0

NUR NAHAR PARBIN
REGD OFFICE AT NEW INDIA ASSURANCE BUILDING
87 MAHATMA GANDHI ROAD
FORT
MUMBAI- 400001 AND REGIONAL OFFICE AT GS ROAD
GHY- 5 REP BY CHIEF REGIONAL MANAGER

VERSUS

THE ORIENTAL INSURANCE COMPANY LIMITED
R/O- VILL- KARIPARA
PT IV
PS MATIA
DIST- GOLAPARA
ASSAM

Advocate for : Sidhant Dutta
Advocate for : appearing for THE ORIENTAL INSURANCE COMPANY LIMITED

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

03.02.2026

- 1.** Heard Mr. N. Ahmed, learned counsel for the applicant/petitioner; Ms. M. Choudhury, learned counsel for the respondent no.1 and Mr. T. Uddin, learned counsel appearing on behalf of Mr. S. Ahmed, learned senior counsel for respondent no.2.
- 2.** This is an application u/s 5 of the Limitation Act praying for

condonation of delay of 8 days in filing the connected appeal against the judgment and award dated 16.06.2025, passed by the learned Member, MACT, Barpeta in MAC Case No.388/2021, dismissing the claim petition of the claimant of the appellant.

3. It is submitted by the learned counsel for the respondent no.2 that they already filed vakalatnama to represent the respondent no.2, namely, Mr. Sabed Ali Mia. But, on perusal of the record, it is seen that the vakalatnama filed on behalf of respondent no.2 is not tagged along with the record. However, it is submitted by him that they have already filed vakalatnama and appearing on behalf of the respondent no.2. Thus, the service is already completed.

4. Mr. N. Ahmed, learned counsel for the applicant/petitioner has submitted that the applicant/appellant is a poor lady and only due to financial hardship, she could not file the appeal within period of limitation and after a consultation with the engaged counsel, the appeal was filed with 8 days delay. There is no laches or negligence on the part of the applicant and it is only for the financial hardship, the appeal could not be instituted within a period of limitation.

5. Ms. M. Choudhury, learned counsel for the respondent no.1 submitted that the respondent no.1 has no objection, if delay of 8 days is condoned in preferring the appeal.

6. Mr. T. Uddin, learned counsel appearing on behalf of Mr. S. Ahmed, learned counsel for respondent no.2 has also raised no objection in that regard.

7. Considering the grounds mentioned in the petition which

are considered to be reasonable and justified and also for the ends of justice, the delay of 8 days in preferring the appeal is hereby condoned.

8. Accordingly, the present interlocutory application stands allowed and disposed of.

9. Further, the Registry is directed to reflect the name of Ms. Choudhury along with three others for the respondent no.1 and Mr. T. Uddin along with Mr. S. Ahmed for the respondent no.2 in the cause-list.

10. The Registry is directed to register and number the connected appeal and to list the same.

JUDGE

Comparing Assistant