

GAHC010235452023



2026:GAU-AS:5456

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

Case No. : I.A.(Civil)/3265/2023

MALIKA BEGUM AND 3 ORS.
W/O LATE RAHIM UDDIN,
VILL.- UDALI GAON,
P.S. AND DIST.- HOJAI- 782435 (ASSAM).

2: HASINA KHATUN
D/O LATE RAHIM UDDIN

VILL.- UDALI GAON

P.S. AND DIST.- HOJAI- 782435 (ASSAM).

3: SADDAM HUSSAIN
S/O LATE RAHIM UDDIN

VILL.- UDALI GAON

P.S. AND DIST.- HOJAI- 782435 (ASSAM).
(BEING MINOR
REP. BY APPELLANT NO. 1
MOTHER).

4: EMRANA BEGUM
S/O LATE RAHIM UDDIN

VILL.- UDALI GAON

P.S. AND DIST.- HOJAI- 782435 (ASSAM).
(BEING MINOR
REP. BY APPELLANT NO. 1
MOTHER)

VERSUS

UNITED INDIA INSURANCE COMPANY LTD AND 2 ORS.
REP. BY ITS REGIONAL MANAGER
G.S. ROAD, CHRISTIAN BASTI P.O.- GUWAHATI- 78105 DIST.- KAMRUP (M)
(ASSAM).

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

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

Linked Case :

MALIKA BEGUM AND 3 ORS.

VERSUS

UNITED INDIA INSURANCE COMPANY LTD. AND 2 ORS.

Advocate for : MR. A R AGARWALA
Advocate for : appearing for UNITED INDIA INSURANCE COMPANY LTD. AND 2
ORS.

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

22.04.2026

Learned counsel, Mr. A.R. Agarwala, is present for the applicants. Ms. M. Choudhury, learned counsel is present for the respondent no.1.

This is an application u/s 5 of the Limitation Act, 1963, filed by the applicants, namely, **Malika Begum, Hasina Khatun, Saddam Hussain and Emrana Begum**, praying for condonation of delay of 212 days in preferring the appeal against the judgment and order dated 12.12.2022, passed by the learned Member, MACT No.2, Kamrup(M), Guwahati in MAC Case No.207/2020.

The applicants are aggrieved by the quantum of compensation.

Ms. M. Choudhury, learned counsel for the respondent no.1 has raised an objection stating that the claimants/applicants have failed to explain the delay of 210 days in filing the appeal. The application was filed in a very causal manner without explaining the inexplicable delay, as required under the law of limitation. The statements submitted are totally false.

It is further contended that it has been wrongly submitted by the learned counsel for the applicants that they were suffering from financial constraints, as they have already received an amount of Rs.12,96,370/- i.e. the awarded amount.

The respondent has thus prayed to dismiss the application as the application is submitted with malafide and vague statements and sufficient grounds were not shown by the applicants.

I have considered the submissions at the Bar with circumspection.

The applicants have submitted that the delay was the result of late information and several other factors. The judgment and award was delivered on 12.12.2022 but the learned engaged counsel in the lower court applied for

the certified copy on 14.12.2022. Further, the applicants were informed about the judgment only on 04.01.2023 and then the applicants went to meet the engaged counsel on 10.01.2023. Owing to Magh Bihu holiday, the applicants had to meet the counsel on 20.01.2023. Thereafter, the applicants went to meet their counsel at the High Court on 30.01.2023.

It was later found by the counsel at the High Court that the copies of the evidence were not provided. The applicants later could not file the appeal due to the Bohag Bihu holidays and the summer holidays. Finally, after enduring hurdles due to the vacations and holidays, the applicants filed the appeal after a delay of 212 days.

The applicants have 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 applicants.

No malafide is discernible and sufficient grounds have been shown. It appears that delay of 212 days may be condoned. Accordingly, the delay is condoned.

Registry is directed to register the connected appeal.

The name of Ms. M. Choudhury to 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