

GAHC010287602019



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

Case No. : I.A.(Civil)/3839/2019

ORIENTAL INSURANCE COMPANY LIMITED
HAVING ITS GAUHATI REGIONAL OFFICE AT GUWAHATI, ULUBARI,
KAMRUP (M) REP. BY THE ASSTT. MANAGER, GAUHATI, GAUHATI
REGIONAL OFFICE, ULUBARI, GUWAHATI-781007, KAMRUP (M), ASSAM.

VERSUS

JAYNAB NESSA AND 8 ORS
W/O. LT. ASHAN ALI, R/O. VILL. CHAWRACHARAGAON, P.S. KALGACHIA,
P.O. KALGACHIA, DIST. BARPETA, ASSAM, PIN-781319.

2:AMINA KHATUN
D/O. LT. ASHAN ALI
R/O. VILL. CHAWRACHARAGAON
P.S. KALGACHIA
P.O. KALGACHIA
DIST. BARPETA
ASSAM
PIN-781319.

3:AZMINA KHATUN
D/O. LT. ASHAN ALI
R/O. VILL. CHAWRACHARAGAON
P.S. KALGACHIA
P.O. KALGACHIA
DIST. BARPETA
ASSAM
PIN-781319.

4:AMIRUL ISLAM
S/O. LT. ASHAN ALI
R/O. VILL. CHAWRACHARAGAON

P.S. KALGACHIA
P.O. KALGACHIA
DIST. BARPETA
ASSAM
PIN-781319.

5:RUBUL AMINN
S/O. LT. ASHAN ALI
R/O. VILL. CHAWRACHARAGAON
P.S. KALGACHIA
P.O. KALGACHIA
DIST. BARPETA
ASSAM
PIN-781319. BEING MINOR REP. BY HIS MOTHER OPP. NO.1

6:FARIDA KHATUN
D/O. LT. ASHAN ALI
R/O. VILL. CHAWRACHARAGAON
P.S. KALGACHIA
P.O. KALGACHIA
DIST. BARPETA
ASSAM
PIN-781319. BEING MINOR REP. BY HER MOTHER OPP. NO.1

7:MAMIRON BEWA
M/O. LT. ASHAN ALI
R/O. VILL. CHAWRACHARAGAON
P.S. KALGACHIA
P.O. KALGACHIA
DIST. BARPETA
ASSAM
PIN-781319.

8:RAMANI NATH (DRIVER)
S/O. LT. BAPURAM NATH
VILL. DAULASHAL
P.S. MUKALMOWA
P.O. DAULASAL
DIST. NALBARI
ASSAM
PIN-781312.

9:PRABHAT NATH

S/O. JAGESH NATH
R/O. WARD NO.2
HOWLY TOWN
P.S. HOWLY

P.O. HOWLY
DIST. BARPETA
ASSAM
PIN-781316

Advocate for the Petitioner : MS. R D MOZUMDAR

Advocate for the Respondent : MR. S AHMED

Linked Case :

ORIENTAL INSURANCE COMPANY LIMITED

VERSUS

JAYNAB NESSA AND 8 ORS

Advocate for : MS. R D MOZUMDAR
Advocate for : appearing for JAYNAB NESSA AND 8 ORS

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 10.03.2021

Heard Ms. R.D. Mozumdar, learned counsel for the applicant and Mr. S. Ahmed, learned counsel for the opposite party nos.1 to 7.

Upon instruction, the learned counsel for the applicant submits that the connected appeal has been filed to challenge the quantum of the award and that the opposite party no.8, who is the driver of the offending vehicle, is not a necessary party for the adjudication

of the connected appeal and accordingly, she prays for strike out the name of opposite party no.8.

The said prayer is allowed at the risk of the applicant. Registry shall now strike out the name of the opposite party no.8 without altering the seriatim of the parties to this I.A.

By this application under second proviso to section 173 of the Motor Vehicles Act, the applicant have prayed for condoning the delay of 41 days beyond the period of limitation in filing the connected appeal.

Referring to the statements made in paragraph 3 to 9 of this application, it is submitted that some time was consumed in obtaining legal opinion and approval for filing of the connected appeal. Although the learned counsel for the opposite party nos.1 to 7 has objected to this application, but considering the explanation tendered, the same is accepted as good and sufficient cause which had prevented the applicant in filing the connected appeal on time. Accordingly, the delay stands condoned.

This application stands allowed.

Registry shall now register the connected appeal and list the same in the 'Admission' column.

Registry shall reflect the name of Mr. S. Ahmed, as learned counsel for the respondent nos.1 to 7 in the connected appeal while listing the matter.

JUDGE

Comparing Assistant