

GAHC010242052025



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

Case No. : I.A.(Civil)/3700/2025

THE NATIONAL INSURANCE CO. LTD.
HAVING ITS REGISTERED HEAD OFFICE AT PLOT NO.CBD-81, NEW TOWN,
KOLKATA700156 AND THE REGIONAL OFFICE AT
BHANGAGARH,GUWAHATI-781005, REPRESENTED BY THE REGIONAL
MANAGER, GUWAHATI REGIONAL OFFICE, INSURER OF THE VEHI

VERSUS

BARASHA PHUKAN AND 5 ORS.
W/O. LT. HEMANTA PHUKAN

2:SRI. AJOY PHUKAN
S/O. LT. HEMANTA PHUKAN

3:SMTI. DEBOBALA PHUKAN
W/O. SRI. INDESWAR PHUKAN

4:SRI. INDESWAR PHUKAN
S/O. LT. HEMANTA PHUKAN
ALL ARE R/O. VILL.- KALALUR NAMDUNG BLK
P/O. DHEMECHI
P/S. MORAN
DIST. DIBRUGARH
ASSAM
PIN-785675
PRESENTLY RESIDING AT-
C/O. BIRESWAR GOGOI
VILL.- THOWRA MAJ GAON
P/O. RAJMAI
P/S. DEMOW
DIST. SIVASAGAR
ASSAM

PIN-785662

5:SRI. KANDARPA SAGAR DIHINGIA
S/O. SAHJAHAN DEHINGIA
R/O. TELIYA PATHAR GAON
P/O. AND P/S. MORAN
DIST. DIBRUGARH
ASSAM.

6:SRI. ATUL BARUAH
S/O. SUKUMAR BARUAH
R/O. MOHKHUTI BORBAM GAON
P/O. AND P/S. DEMOW
DIST. SIVASAGAR
ASSA

Advocate for the Petitioner : MRS. D DAS BARMAN, MR. P K BARMAN

Advocate for the Respondent : ,

in
MACApp. Case No. 13902/2025
with
MACApp. Case No. 13902/2025(Filing Number)

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

19.11.2025

- 1.** Heard Ms. D.D. Barman, the learned counsel for the applicant. Also heard Mr. B.R. Das, the learned counsel appearing through video conferencing mode, who submits that he has been instructed by the respondent Nos. 1 to 4 to appear in this interlocutory application.
- 2.** He also submits that he would be filing his Vakalatnama very soon. He further submits that the said respondents would also be filing written objection against the prayer for condonation of delay.

3. This application under Section 5 of the Limitation Act, 1963 has been filed by the applicant/insurance company praying for condoning the delay of 150 days in preferring the MAC Appeal, whereby the Judgment and Award passed on 03.03.2025, passed by the learned Member, Motor Accident Claims Tribunal, Sivasagar in MAC Case No. 39/2021 has been impugned.

4. Issue notice to the respondents.

5. Since Mr. B.R.Das, the learned counsel would be appearing for respondent Nos. 1 to 4, by filing Vakalatnama, no formal notice needs to be issued to the said respondents. As regards respondent Nos. 5 and 6, the applicant shall take steps for issuance of notice upon the said respondents by speed post as well as by usual mode within 7(seven) days from the date of this order, returnable after 4(four) weeks.

6. List accordingly.

JUDGE

Comparing Assistant