

GAHC010255462025



2026:GAU-AS:8044

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

Case No. : I.A.(Civil)/49/2026

MD SEBUL HUSSAIN LASKAR ALIAS SABUL HUSSAIN
S/O - BADAR UDDIN LASKAR ALIAS BODAR HUSSAIN LASKAR VILLAGE-
DHONEHARI, PART-I, P.O. DHONEHARI, P.S.- SONAI DISTRICT CACHAR,
ASSAM

VERSUS

R LALLURA FILING STATION AND ANR
PROP LALTHLAMUANI, BAZAR VENG, THENZAWL DIST. - SERCHHIP,
MIZORAM, PIN- 796184

2:THE NEW INDIA ASSURANCE CO LTD.
REPRESENTED BY THE DIVISIONAL MANAGER
CAPITAL TRAVELS BUILDING
CLUB ROAD
SILCHAR
CACHAR.

2:THE NEW INDIA ASSURANCE CO LTD
REPRESENTED BY THE DIVISIONAL MANAGER
CAPITAL TRAVELS BUILDING
CLUB ROAD
SILCHAR
CACHAR
INSURE OF OIL TANKER
VIDE REGISTRATION NO. MZ-06/544

Advocate for the Petitioner : MR M AHMED, MR A. ALI,A. K. KANU

Advocate for the Respondent : MR. A J SAIKIA(R2), M CHETIA(R2),MR. S PEGU(R2)

**BEFORE
HONOURABLE MRS. JUSTICE YARENJUNGLA LONGKUMER**

ORDER

08/06/2026

Learned counsel for the appellant, Ms. N. Choudhury is present.

2. The Office note dated 17.03.2026 indicates that the notice on respondent Nos. 1 & 2 have been confirmed as delivered on 16.02.2026 and 13.02.2026 respectively. Accordingly, notice on respondent No.1 is deemed to be served.

3. The learned counsel, Mr. S. Pegu has entered appearance on behalf of respondent No.2/New India Assurance Company. However, none appears for the respondent No.1 when the matter is called.

4. The instant application under Section 5 of the limitation Act has been preferred praying for condonation of delay of 55 days in filing the connected MAC Appeal against the impugned Judgment dated 01.04.2025 passed by the MACT, Cachar, Silchar in MAC Case No. 452/2018.

5. The learned counsel for the appellant has submitted that the connected appeal was required to be filed on or before 30.06.2025 but it has been filed on 15.09.2025. The reason for the delay is set out at paragraph 3 of the application. In the application it is stated that the applicant to know about the impugned judgment dated 01.04.2025 only on 22.04.2025 and he applied for certified true copy of the impugned judgment on 23.04.2025. The applicant was not acquainted with the legal procedure for filing an appeal and therefore, he took the help of an advocate from Silchar who assured him that he will accompany him to Guwahati for engaging an advocate to prefer his appeal but

the said advocate on the pretext on some excuse or the other failed to come to Guwahati and in that process, 1 (one) month had lapsed since the passing of the impugned judgment. The said advocate also told him that there is summer vacation in the High Court, so he was instructed to move the appeal after the summer vacation. After the summer vacation, the applicant along with the said advocate came to Guwahati on 10.08.2025 and had a talk with the present counsel and when he came to know about the expenses of filing the appeal, he had to go back home again to arranged the expenditure.

6. This process took him 25 (twenty five) days and thereafter, he again sustained some injuries on his lower limb and he was unable to travel. The applicant therefore came back to Guwahati only on 05.09.2025 and handed over the expenditure and all the documents to the present advocate thereafter, the counsel took about 10 (ten) days in preparing, drafting and filing the case and finally the appeal could be filed on 15.09.2025.

7. Learned counsel also submits that the delay in preferring the MAC Appeal was not intentional and there was no negligence and laches on the part of the appellant.

8. Learned counsel for the respondent No.2 submits that the applicant has taken the ground that he had to go back home to arrange the finances for filing the appeal and such ground cannot be stated to be a sufficient caused to condoned the delay.

9. This Court has considered the submission made by the learned counsel for the partes and also perused the pleadings. This Court has seen that the applicant has been able to explain the delay of 55 days satisfactorily and

therefore, this Court is of the view that sufficient cause has been shown by the applicant for the delay of 55 days in filing the MAC Appeal. Accordingly, the instant application is allowed and the delay of 55 days in filing the connected MAC Appeal is condoned.

10. Application stands disposed.

11. The Registry shall register the connected MAC Appeal and list the same for admission after a week.

JUDGE

Comparing Assistant