

GAHC010288952025



undefined

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

Case No. : I.A.(Civil)/693/2026

DEEP JYOTI DUTTA AND ANR
S/O LATE KUMUD DUTTA, R/O LATE VILL- JUNAKI NAGAR, P.S.-
SILAPATHAR, DIST- DHEMAJI, ASSAM, PIN-787059

2: KAWSHIK DUTTA
S/O LATE KUMUD DUTTA
R/O LATE VILL- JUNAKI NAGAR
P.S.- SILAPATHAR
DIST- DHEMAJI
ASSAM
PIN-78705

VERSUS

CHANDRA KANTA GOGOI AND ANR
S/O BIPIN GOGOI, R/O VILL.- BAM GAON, P.O. AND P.S.- SILAPATHAR,
DIST.- DHEMAJI, ASSAM, PIN- 787059

2:IFFCO TOKIO GENERAL INSURANCE LIMITED
REPRESENTED BY BRANCH MANAGER
SERVICING OFFICE BRANCH SITUATED AT HOUSEFED COMPLEX
3RD FLOOR
RUKMININAGAR
NEAR H.D.F.C. BANK
G.S. ROAD
GUWAHATI
DIST- KAMRUP (M)
ASSAM
PIN-78101

Advocate for the Petitioner : MR. U K DAS,

Advocate for the Respondent : MR. R GOSWAMI(R2), MS. P BORTHAKUR(R2)

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

Date : 08.05.2026

1. Heard Mr. U.K. Das, learned counsel for the applicant. Also heard Ms. D. Goswami, learned counsel appearing on behalf of Mr. R. Goswami, learned counsel for the respondent No.2.
2. On perusal of the Office Note dated 04.05.2026, it appears that the notice issued to the respondent No.1 has returned without service.
3. The learned counsel for the applicant has submitted that before the Motor Accident Claims Tribunal also, the matter proceeded ex-parte against the respondent No.1. Hence, he prays for waiving notice to the respondent No.1 in this Interlocutory Application.
4. The prayer is allowed. The notice to the respondent No.1 is waived.
5. This Interlocutory Application has been filed by the applicant under Section 5 of the Limitation Act, 1963 praying for condonation of delay of 130 days in preferring the connected appeal, whereby, the judgment and award dated 13.05.2025 passed by the MACT, No.2 Kamrup(M) in MAC Case No.1061/2020 has been impugned.
6. The learned counsel for the applicant has submitted that the grounds for belated filing of the connected appeal have been stated by the applicant in Paragraph-3 & 4 of the instant application.
7. The learned counsel for the respondent No.2 has submitted that considering the grounds stated in the instant Interlocutory Application, he does not have any objection if the delay is condoned in this case.
8. I have considered the submissions made by the learned counsel for both sides.
9. After considering the grounds stated in paragraphs 3 & 4 of the instant Interlocutory Application, this Court is of the considered opinion that same may be recorded as sufficient cause which prevented the applicant in preferring the connected appeal within the prescribed period of limitation.
10. Accordingly, the delay of 130 days in preferring the connected appeal is hereby condoned and this Interlocutory Application is allowed.
11. The Registry is directed to register the connected MAC Appeal and list the same for admission

after a week on a date to be fixed by it.

JUDGE

Comparing Assistant