

GAHC010319312019



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

**Case No. : I.A.(Civil)/99/2020**

NEW INDIA ASSURANCE CO. LTD.  
HAVING ITS REGISTERED OFFICE AT NEW INDIA ASSURANCE BUILDING  
87, MAHATMA GANDHI ROAD, MAHATMA GANDHI ROAD, MUMBAI AND  
ONE OF THE REGIONAL OFFICE AT ULUBARI, GUWAHATI.

VERSUS

ABED ALI and 5 ORS  
S/O LATE HAZARAT ALI, R/O VILL. KAWRPARA, P.O. SUKAMANAH, P.S.  
AND DIST. BARPETA, ASSAM.

2:ON THE DEATH OF ABDUS SALAM HIS LEGAL HEIRS AYESHA KHATUN  
W/O LATE ABDUS SALAM  
R/O AT VILL. ITERVITA  
P.O. BARBALA  
P.S. AND DIST. BARPETA  
ASSAM.

3:LOKMAN ALI  
S/O LATE ABDUS SALAM  
R/O AT VILL. ITERVITA  
P.O. BARBALA  
P.S. AND DIST. BARPETA  
ASSAM.

4:SHARUK ALI  
S/O LATE ABDUS SALAM  
R/O AT VILL. ITERVITA  
P.O. BARBALA  
P.S. AND DIST. BARPETA  
ASSAM.

5:SAIFUL ISLAM  
S/O LATE ABDUS SALAM  
R/O AT VILL. ITERVITA  
P.O. BARBALA  
P.S. AND DIST. BARPETA  
ASSAM.

6:NUR AHMED  
S/O LATE ABDUS SALAM  
R/O AT VILL. ITERVITA  
P.O. BARBALA  
P.S. AND DIST. BARPETA  
ASSAM

**Advocate for the Petitioner** : MR. R K BHATRA, MR. A SAIKIA

**Advocate for the Respondent** : ,

Linked Case : MFA/51/2016

NEW INDIA ASSURANCE CO. LTD.  
HAVING ITS REGISTERED OFFICE AT NEW INDIA ASSURANCE BUILDING 87  
MAHATMA GANDHI ROAD  
MUMBAI AND ONE OF THE REGIONAL OFFICE AT G.S. ROAD  
BHANGAGARH  
GUWAHATI.

VERSUS

ABED ALI and ANR.  
S/O LATE HAZARAT ALI  
R/O VILL. KAWRPARA  
P.O. SUKAMANAH  
P.S. and DIST. BARPETA  
ASSAM.

2:MD. ABDUS SALAM

S/O IMAN ALI  
R/O VILL. ITERVITA  
P.O. BARBALA  
P.S. and DIST. BARPETA

ASSAM.

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Advocate for : MR A SAIKIA

Advocate for : appearing for ABED ALI and ANR.

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

**ORDER**

**Date-06.05.2026**

1. Heard Ms. A. Biyani, the learned counsel for the applicant. Also heard Ms. P. Talukdar, the learned counsel appearing on behalf of Mr. K. R. Patgiri, the learned counsel for the respondent No.1.
2. This Interlocutory Application has been filed by the applicant/Insurance Company praying for condoning the delay of 528 days in filing the application for setting aside abatement and substitution of the legal heirs of the respondent No.2, namely, late Abdus Salam, who expired on 11.04.2018.
3. The learned counsel for the applicant has submitted that the applicant has stated the grounds for delay in paragraph No. 3, 4, 5 and 6 of the instant application.
4. The learned counsel for the respondent has not opposed the prayer for condonation of the delay, considering the grounds mentioned in the instant Interlocutory Application.
5. After going through the ground stated in the instant Interlocutory Application, this Court is of the considered opinion that the same may be regarded as sufficient grounds, which prevented the applicant in preferring the setting aside the abatement

application and substitution applicant within the prescribed period of limitation.

6. Accordingly, the delay of 528 days in preferring the application for setting aside the abatement as well as substitution of legal heirs of the respondent No.2 is, hereby, condoned and this Interlocutory application is accordingly disposed of.

**JUDGE**

**Comparing Assistant**