

GAHC010011652016



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

Case No. : I.A./1108/2016

JAYANTA BORDOLOI
S/O SRI JOYCHAND BORDOLOI, R/O VILL. MAHDOLE, P.S. LAHARIGHAT,
DIST. MORIGAON, ASSAM.

VERSUS

M/S UNITED INDIA INSURANCE CO. LTD. and 3 ORS,
REPRESENTED BY THE DIVISIONAL MANAGER, GUWAHATI DIVISIONAL
OFFICE-1, ULUBARI, GUWAHATI-7, BRANCH OFFICE JAGIROAD,
MORIGAON, ASSAM INSURER OF MOTOR CYCLE NO. AS-21/A-2050

2:TAPESWAR BORDOLOI
S/O LATE LILAMBOR BORDOLOI
VILL. MAHDOLA
P.S. LAHARIGHAT
DIST. MORIGAON
ASSAM
PIN 782104 OWNER OF MOTORY CYCLE NO. AS-21/A-2050

3:ORIENTAL INSURANCE CO. LTD.
REPRESENTED BY THE REGIONAL MANAGER
GUWAHATI REGIONAL OFFICE
ULUBARI
GUWAHATI-7 INSURER OF THE TRUCK NO. AS-01/C-6243

4:BHASKAR JYOTI KHATONIAR
S/O DIPTI KHATONIAR
R/O VILL. MORIHIRAGAON
P.O. and P.S. MORIGAON
DIST. MORIGAON
ASSAM
PIN 782105

OWNER OF THE TRUCK NO. AS-01/C-624

Advocate for the Petitioner : MS.D KALITA

Advocate for the Respondent : MS.N MODI R-3

Linked Case :

SRI JAYANTA BORDOLOI

2: BHOLA DAS

S/O SRI MONIKANTA DAS
VILL. BORDOLONI CHARIALI
P.O. BORDOLONI
DIST. DHEMAJI
ASSAM.

3: SMTI. MALLIKA DAS

D/O MONIKANTA DAS
VILL. BORDOLONI CHARIALI
P.O. BORDOLONI
DIST. DHEMAJI
ASSAM.

4: SIMANTA DAS

S/O LT. REBAT DAS
VILL. AUNIATI
P.O. BORDOLONI
DIST. DHEMAJI
ASSAM.

5: RAMEN TALUKDAR

S/O SRI KARUNA TALUKDAR
VILL. NIZ HALESWAR
P.O. HALESWAR
DIST. SONITPUR
ASSAM.

6: HARIPAD DAS

S/O ROHITESWAR DAS
VILL. AUNIATI
P.O. BORDOLONI
DIST. DHEMAJI
ASSAM.
VERSUS

M/S UNITED INDIA INSURANCE CO. LTD and 3 ORS

2:THE COMMISSIONER AND SECRETARY

GOVT. OF ASSAM
EDUCATION ELEMENTARY DEPARTMENT.
3:THE DIRECTOR OF ELEMENTARY EDUCATION

ASSAM
KAHILIPARA
GUWAHTI-19.
4:THE NATIONAL COUNCIL FOR TEACHERS' EDUCATION

REPRESENTED BY ITS CHAIRPERSON WITH ITS HEAD OFFICE AT I.G.I.
STADIUM
I.P. ESTATE
NEW DELHI-110002.
5:THE EASTERN REGIONAL COMMITTEE

NATIONAL COUNCIL FOR TEACHER EDUCATION REPRESENTED BY THE
REGIONAL DIRECTOR AND OFFICE AT 15
NILKANTH NAGAR
NAYAPALLI AND BHUBANESWAR-751012.
6:THE DIRECTOR

STATE COUNCIL OF EDUCATION
RESEARCH AND TRAINING
ASSAM
KAHILIPARA
GUWAHATI-19.

Advocate for :
Advocate for : appearing for M/S UNITED INDIA INSURANCE CO. LTD and 3 ORS

Linked Case : I.A.(Civil)/2171/2020

ORIENTAL INSURANCE CO. LTD.
REP. BY THE REGIONAL MANAGER
GUWAHATI REGIONAL OFFICE
ULUBARI
GHY-7

VERSUS

JAYANTA BORDOLOI AND 3 ORS.
S/O. SRI JOYCHAND BORDOLOI
R/O. VILL. MAHDOLE
P.S. LAHARIGHAT
DIST. MORIGAON
ASSAM
PIN-782105

2:M/S UNITED INDIA INS. CO. LTD.
REP. BY THE DIVISIONAL MANAGER
GUWAHATI DIVISIONAL OFFICE-1
ULUBARI
GUWAHATI-7
BRANCH OFFICE JAGIROAD
MORIGAON
ASSAM (INSURER OF MOTOR CYCLE NO. AS-21/A-2050)
3:TAPESWAR BORDOLOI
S/O LATE LILAMBOR BORDOLOI
VILL. MAHDOLA
P.S. LAHARIGHAT
DIST. MORIGAON
ASSAM
PIN 782104 OWNER OF MOTORY CYCLE NO. AS-21/A-2050
4:BHASKAR JYOTI KHATONIAR
S/O DIPTI KHATONIAR
R/O VILL. MORIHIRAGAON
P.O. and P.S. MORIGAON
DIST. MORIGAON
ASSAM
PIN 782105
OWNER OF THE TRUCK NO. AS-01/C-6243

Advocate for : MS. M CHOUDHURY

Advocate for : MR. M TALUKDAR appearing for JAYANTA BORDOLOI AND 3 ORS.

**BEFORE
HONOURABLE MR. JUSTICE K. SEMA**

ORDER

24.04.2024

Heard Mr. M. Talukdar, learned counsel for the applicant and Ms. M. Choudhury, learned counsel for opposite party No. 3/Oriental Insurance Company Limited.

None appears for the respondent Nos. 1, 2 & 4.

The present application has been filed under Section 5 of the Limitation Act, 1963 for condonation of delay of 192 (one hundred and ninety-two) days in filing the appeal against the Judgment & Order dated 05.01.2015, passed by the learned Member, Motor Accident Claims Tribunal, Morigaon, Assam, in MAC Case No. 85/2011.

Mr. M. Talukdar, learned counsel for the applicant, in explaining the reasons for the delay has taken this Court to paragraph Nos. 4 & 5, which are reproduced below:-

"4. That the petitioner is residing in the remote village of Mahdole in the district of Morigaon, Assam. The petitioner has become permanently disabled due to the motor vehicular accident that occurred on 16.02.2011. He cannot move without the support of others. Further, he has been passing through financial crisis as he had incurred huge amount of money for his treatment. Under the circumstances, although on several occasions, the petitioner had made attempts to come to Guwahati as per the advice of the local advocate but he failed and ultimately, he somehow managed to come to Guwahati only on 02.11.2015. The petitioner met his advocate at Guwahati on that very day and handed over all the necessary documents for filing appeal. Thereafter, the advocate for the petitioner took some time for preparation of the Memorandum of Appeal and filed the same on 05.11.2015.

5. That the judgment & award was passed by the learned Tribunal

on 05.01.2015. The petitioner applied for certified copy of the same on 14.09.2015, and the date fixed for notifying requisite stamps etc. on 05.10.2015, the same was delivered on 05.10.2015, certified copy was made ready and obtained on 05.10.2015. The appeal ought to have been filed on or before 25.04.2015, but the same has been filed on 05.11.2015. Hence, there is a delay of 192 days in filing appeal."

This Court has perused the application seeking for condonation of delay and is satisfied that the applicant has been able to satisfactorily explain the delay. Moreover, the application was filed in the year 2016 and this Court feels that the disposal of the application should not be delayed any longer.

In view of the observations made above, the delay of 192 (one hundred and ninety-two) days in filing the appeal against the Judgment & Order dated 05.01.2015, passed by the learned Member, Motor Accident Claims Tribunal, Morigaon, Assam, in MAC Case No. 85/2011 is condoned.

The application accordingly stands disposed.

Registry is directed to register the appeal.

JUDGE

Comparing Assistant