

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.

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Advocate for :

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

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

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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**