

GAHC010035342025



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

Case No. : I.A.(Civil)/717/2025

THE NEW INDIA ASSURANCE COMPANY LIMITED
A PUBLIC SECTOR UNDERTAKING, REP BY ITS NORTH EASTERN
REGIONAL OFFICE AT STAR CITY, LACHIT NAGAR, GUWAHATI, ASSAM,
PIN- 781007

VERSUS

RUPA DIHINGIA
D/O- SRI HEMA DIHINGIA, R/O- VILL- SOOTEA CHUK, P/S. GOHPUR, DIST-
SONITPUR, ASSAM-784001.

2:BIMAL DEVNATH
S/O. SRI AKHIL DEVNATH
R/O. VILL.- NO. 2 DOLABARI
P/O. KOLIABHOMORA
P/S. TEZPUR
DIST. SONITPUR
ASSAM
PIN-784001.

3:DHAN SHARMAH
S/O. LT. JAGAT SHARMAH
VILL.- DHENUDHARA
P/S. GOHPUR
DIST. SONITPUR
ASSAM

Advocate for the Petitioner : P GOSWAMI,

Advocate for the Respondent : MR. J KALITA(R1), AMAN ALI(R1),MR SOHAING(R1)

In
MACApp. Case No. 2058/2025
WITH
MACApp. Case No. 2058/2025
(Filing Number)

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

29.07.2026

- 1.** Heard Ms. L. Sharma, the learned counsel for the applicant. Also heard Mr. J. Kalita, the learned counsel appearing for the respondent No. 1.
- 2.** On perusal of Office Note dated 27.07.2026, it appears that service report in respect of notices issued to respondent No. 3 has returned without service indicating that the said respondent has shifted from their earlier place.
- 3.** The notice issued to respondent No. 2 has returned after due service.
- 4.** Since the respondent No. 3 is the driver of the offending vehicle, the notice to him under the circumstances that he has shifted from earlier known address is waived.
- 5.** This application under Section 5 of the Limitation Act, 1963 has been filed by the applicant/insurance company praying for condonation of delay of 118 days in preferring the connected MAC Appeal.
- 6.** Ms. L. Sharma, the learned counsel for the applicant submits that the reasons for delay in filing the connected appeal has been stated in paragraph Nos. 4, 5 and 6 of this interlocutory application.
- 7.** The learned counsel for the claimant/respondent does not oppose the

prayer for condonation of delay.

8. After going through the grounds stated in the instant interlocutory application, this court is of the considered opinion that the reasons stated therein may be regarded as sufficient cause, which prevented the applicant in preferring the connected MAC Appeal within the prescribed period of limitation. As such, the delay of 118 days in preferring the connected appeal is hereby condoned and this interlocutory application is allowed.

9. 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 the Registry.

10. The name of Ms. L. Sharma may be reflected as engaged counsel for the appellant in the cause-list henceforth. The name of Mr. J. Kalita, may also be reflected as engaged counsel for respondent No. 1 in the cause-list henceforth.

JUDGE

Comparing Assistant