Serial No. 02
Regular List

MLHC010004552026

HIGH COURT OF MEGHALAYA
AT SHILLONG

MC(MACApp) No. 2 of 2026

Date of Decision: 20.11.2026
Uploaded on: 20.11.2026

Divisional Manager,
National Insurance Co. Ltd,
Morello Building, Kachari Road,
Shillong – 793001

…. **Applicant**

-Vs-

1. Shri. Shub Karan Singh Rathore,
   (Since deceased)
   Substituted by Smti. Santosh Kawar,
   wife and mother of the deceased,
   R/o, Village Chalkai. P.S: Dudakhara,
   Dist: Churu, Rajasthan.

2. Shri. G.k Mohan Camin
   Owner of the Oil Tanker bearing,
   Registration No. WB- 03A-1791 P-18
   Garahat Road, Kolkata-700029,
   Phone No- 24641519

3. Md. Irfan Khan,
   S/o, Montazir Khan,
   R/o, Village: Manpur,
   P.O:Kharia, P.S: Kharia
   District: Chapra Saran, Bihar-841418,
   Driver of the Oil Tanker bearing Registration No. WB- 03A-1791

4. Divisional Manager,
   The Oriental Insurance Company Ltd.
   Pulin Bhawan, Keating Road,
   Shillong-793001, Meghalaya

5. Shri. R.S Bajoria,
   S/o Late Kamakhaya Lal Bajoria,

Police Bazar, Shillong,
Owner of the Motorbike No. ML-10-6235

…. **Respondents**

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

i)	Whether approved for reporting in Law journals etc.:	Yes/No
ii)	Whether approved for publication in press:	Yes/No

Appearance:

For the Petitioner/Appellant(s) : Mr. D.M. Rani, Adv. vice
Ms. P.D. Bujarbaruah, Sr. Adv.

For the Respondent(s) : Ms. A. Synrem, Adv. vice
Mr. S.D. Upadhaya, Adv. (For R 1)
Mr. S. Jindal, Adv. (For R 4)

JUDGMENT (ORAL):

1. The judgment and order dated 28.03.2025 passed by the learned member Motor Accident Claim Tribunal (MACT), Shillong in MAC Case No. 5 of 2010 is sought to be assailed before this Court on appeal.

2. However, there is an apparent delay of 279 days in filing the said appeal for which an application for condonation of delay in filing the said appeal has been filed before this Court.

3. Heard Mr. D.M. Rani, learned counsel for the applicant who has submitted that admittedly the appeal sought to be filed is beyond the limitation period for which a delay of 279 days in filing the same has occurred. The main cause for the delay is that the applicant having denied the assertion that the driver of one of the vehicles involved, that is, Oil Tanker bearing Registration No. WB-03A-1791 insured with the applicant/National Insurance Company Ltd. was holding a valid driving licence at the valid point of time, verification of the said driving licence took time and it was only after the passing of the impugned

judgment that information in this regard was obtained from D.T.O Nagaland, wherein on an R.T.I. application it was revealed that the Driving Licence No. 87364/MKG/PROFF in the name of Md. Irfan Khan does not exists in the office record of the said D.T.O.

4. The learned counsel has also submitted that the applicant/National Insurance Company Ltd., vide letter dated 11.12.2025 had instructed its counsel to prefer the appeal, however the said counsel was out of station with effect from 04.11.2025 till 19.02.2026 and thereafter, the winter vacation of the High Court commence from 18.12.2025 to 26.01.2026, in such process, the delay of 279 days has occurred. Since, such delay was due to unavoidable reasons beyond the control of the applicant, therefore, it is prayed that the delay be condoned and the appeal may be allowed to be registered and taken up for hearing.

5. Ms. A. Synrem, learned counsel for the respondent No. 1/claimant has submitted that there is no objection to the prayer made in this petition.

6. The prayer made herein, however was resisted by the respondent No. 4/Oriental Insurance Company Ltd., through its counsel, Mr. S. Jindal, who at the outset has submitted that more often than not, application for condonation of delay if sufficient cause is shown, is not opposed or objected. In the facts and circumstances of this case, particularly, on the conduct of the applicant herein it would be apparent that no sufficient cause has been shown for this Court to grant the prayer made.

7. The learned counsel has submitted that a factual observation of the proceedings before the learned MACT would show that the date of judgment and reward was 28.03.2025. The applicant has filed an R.T.I. application, as regard the said driving licence of the driver of the said vehicle No. WB-03A-1791, only on 17.09.2025 which is about 6 months or so from the date of the passing of the award, no explanation has been given in this respect. Furthermore, what is noticed is that the claim application before the Tribunal was filed sometime in

the month of February 2010, however, during the course of proceeding before the Tribunal no attempt has been made by the applicant to find out the validity of the said driving licence. Therefore, prayer in this regard cannot constitute sufficient cause, submits the learned counsel.

8. In spite of this, the applicant having mentioned that the application could not be filed due to the winter vacation of this Court from 18.12.2025 to 26.01.2026, even after such period, on the re-opening of the Court, no such application has been filed and the same was filed only on 01.04.2026. No cogent explanation was offered for this period of delay.

9. In view of the lack of due diligence by the applicant, evidencing complete disregard to due process of law, invoking the expression *"interest of justice"* in this regard, cannot absolve the applicant of its duty to faithfully pursue its case. The case of **Esha Bhattarcharjee v. Managing Committee of Raghunathpur Nafar Academy & Ors., (2013) 12 SCC 649,** para 18 as well as the case of **Basawaraj and Anr., v. Special Land Acquisition Officer, (2013) 14 SCC 81,** para 11 has been cited by the learned counsel in support of his contention.

10. This Court has considered the submission made and would agree with the learned counsel for the respondent No. 4 that a prayer made for condonation of delay more often than not is always looked into with a liberal view, taking into account the fact that merits of an application or appeal have to be looked into to give complete justice to the parties. It is also equally true that seeking condonation of delay, particularly involving delay of a long period has to be scrutinized properly to understand the bonafide of the parties involved. What is meant is that prayer for condonation of delay is not always allowed for the asking. The facts and circumstances of each case have to be looked into before a decision is made.

11. As has been pointed out by the learned counsel for the respondent No.

4, the manner in which the applicant has approached this issue, that is, the prayer for condonation of such delay, without any valid explanation as to why certain period of time could not be explained, for example the period following this Court's opening after the winter vacation of 2025-26, the fact that the investigation and inquiry into the said driving licence was also not pursued diligently, such factors do count when the conduct of the concerned party is examined.

12. In the case of **Esha Bhattarharjee (supra)** the Supreme Court has referred to the case of **Maniben Devraj Shah v. Municipal Corporation of Brihan Mumbai, (2012) 5 SCC 157** at para 24 of the said Maniben case which would be appropriate for consideration of the case in hand, the same reads as follows:

> "24. What colour the expression "sufficient cause" would get in the factual matrix of a given case would largely depend on bona fide nature of the explanation. If the court finds that there has been no negligence on the part of the applicant and the cause shown for the delay does not lack bona fides, then it may condone the delay. If, on the other hand, the explanation given by the applicant is found to be concocted or he is thoroughly negligent in prosecuting his cause, then it would be a legitimate exercise of discretion not to condone the delay."

13. In the light of what has been submitted hereinabove, this Court is convinced that no sufficient cause has been shown while preferring this instant application seeking condonation of delay of 279 days in filing the related appeal.

14. Petition is accordingly dismissed as devoid of merits and stands disposed of.

Judge

Meghalaya
20.11.2026
"Tiprilynti–PS"

Verified
Digitally signed by: TIPRILYNTI KHARKONGOR
Signed On: 20-11-2026 20:03:39 IST