GAHC040004252026

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

Case No. : MC(MACApp)/1/2026

Rinchin Tsering
Son of Late Tsepchu, Permanent Resident of Pangchen Lodge, Bomdila, PO and PS Bomdila, District West Kameng, Arunachal Pradesh.

VERSUS

Kessang Tsering and Anr
Son of Lt. Nawang Jamba, Resident of Village Sherbang, PO and PS Lumla, District Tawang, Arunachal Pradesh. (Claimant)

2:The Divisional Manager
Age: 0
Occupation :
New India Assurance Co. Ltd. Main Road Tezpur
PO and PS Tezpur
Assam. (Oppostite Party No. 1

Advocate for the Petitioner : Nabam Kakum, Tsering Nyima

Advocate for the Respondent : ,

BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 15.10.2026

Heard Mr. T. Nyima, learned counsel for the petitioner.

2. By filing the present Miscellaneous Application, the applicant is seeking restoration of the MAC Appeal, being MAC Appeal No. 13(AP)/2022, which was dismissed for non-prosecution on 25.02.2026. Notice upon the respondent was duly served by way of *dasti* service, as reflected in the office note dated 09.10.2026. However, none appears on behalf of the respondent despite service of notice.

3. Learned counsel for the applicant submits that owing to the health issue of his daughter, who was admitted in hospital at Guwahati and was undergoing treatment, during the relevant period, he could not contact his counsel. In absence of counsel, the MAC Appeal was dismissed for non-prosecution. The ground for non-appearance has been stated in paragraph Nos. 3 and 4 of the petition.

4. Having considered the grounds stated above, this Court is of the view that the applicant deserves an opportunity to contest the MAC Appeal No. 13(AP)/2022 on merit. Accordingly, in the interest of justice, the order dated 25.02.2026 is hereby recalled and MAC Appeal No. 13(AP)/2022 is restored to its original file and number.

5. With the above observation, this restoration application stands allowed and disposed of.

6. List the MAC Appeal for further proceedings on a date to be fixed by the Registry.

JUDGE

Comparing Assistant