GAHC010130252026

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

Case No. : I.A.(Civil)/2206/2026

BABITA DAS
W/O. PRASANNA KUMAR DAS @ PRASANNA DAS, VILL. MIRZAPUR, P.S AZARA, GUWAHATI, DIST. KAMRUP M, ASSAM.

VERSUS

MAGMA HDI GENERAL INSURANCE CO. LT. AND 2 ORS.D
F-FORT BUILDING, 2ND FLOOR SOUTH SARANIA, G.S. ROAD, ULUBARI, P.O. GUWAHATI -781007, DIST - KAMRUP M, ASSAM

2:BIBEK KUMAR CHOUDHURY
S/O BINOD KR. CHOUDHURY
C/O JAYANTA MEDHI NEAR SHIV MANDIR AMINGAON
PS. JALUKBARI
DIST. KAMRUP
ASSAM

3:AMIR HUSSAIN
S/O MD. NUR HUSSAIN
VILL.LALMATI
PS. ABHAYAPURI
DIST. BONGAIGAON
ASSA

Advocate for the Petitioner : MR. A R AGARWALA, MR ADITYA AGARWALA

Advocate for the Respondent : ,

BEFORE
HONOURABLE MRS. JUSTICE YARENJUNGLA LONGKUMER

ORDER

23.09.2026

Learned counsel Mr. A. Agarwala, is present for the applicant. None appears for the respondent No. 1 and 3, when the matter is called.

2. The office note dated 19.09.2026 indicates that the notice has been delivered to respondent No. 1 on 20.07.2026 and Respondent No. 3 on 22.07.2026. In respect of Respondent No. 2, the un-served notice has returned back with the postal remark "addressee not found. Return to sender".

3. However, in respect of the instant application, the learned counsel for the applicant submitted that the name of respondent No. 2 may be struck off from the array of respondents. Accordingly, the name of respondent No. 2 stands struck off.

4. The service on respondent No. 1 and 3 is deemed to be complete.

5. The instant application has been filed by the appellant, praying for the condonation of the delay of 157 days in preferring the MAC Appeal against the impugned judgment and order dated 17.10.2025, passed by the learned MACT No. 2, Kamrup, Guwahati, in MAC Case No. 898 of 2020.

6. The applicant has pleaded that the counsel in the Trial Court had informed the applicant about passing of the judgment dated 17.10.2025, only on 10.12.2025 and, thereafter, the applicant went for consultation with the counsel on 15.12.2025 and on that day the counsel had handed over the certified copy of the judgment and order and he decided to meet the counsel at the High Court on 05.01.2026 after the long winter vacations.

When he went to meet the counsel at the High Court, he found that the said counsel was busy with other Court works and, therefore, he decided to

meet the counsel again on 12.01.2026 but could not meet him as he had gone home for Bihu vacations. After the republic day holiday he met the counsel and handed over the certified copy of the judgment, but the counsel told him that only the copy of the judgment is available but the copy of the claim petition and other documents were missing which is required for filing the appeal before the High Court and, thereafter, the applicant informed the same to his counsel at the Trial Court. The applicant was asked to come and collect the rest of the documents from the Chamber of his Trial Court counsel on 11.03.2026 but the applicant could not go on 11.03.2026 as she had met with some injuries and she could not go alone without an attendant.

7. The applicant subsequently went to meet her counsel at the Trial Court only on 27.03.2026, but since the counsel could not locate the documents she was asked to come again on 20.04.2026 after the Rongali Bihu holidays.

8. The applicant could not go on 20.04.2026 because of some financial constraints and was able to meet the counsel at the Trial Court only on 04.05.2026 and then she got the copies of the relevant documents.

9. After getting the relevant copies of the documents required for annexing in the appeal memo, the applicant decided to meet the counsel at the High Court on 15.05.2026 but again could not meet the counsel because of her injuries and went on 29.05.2026 and, thereafter, handed over the copies of all the documents and gave her signature on the various papers required only on 29.05.2026. Ultimately, the counsel also took some time for preparation of the appeal and it was filed on 22.06.2026.

10. It is stated that a delay of 157 days has been caused in filing the connected appeal and it was due to the reasons as stated above and it is prayed

that this application may be allowed and the delay may be condoned.

11. It is submitted by the learned counsel for the applicant that there is no deliberate delay or negligence on the part of the applicant as the applicant is a rustic villager and she does not know all the legal aspects about filing within the period of limitation and moreover because of her injuries and financial constraints, she could not meet her counsel at the Trial Court and the High Court on time.

12. This Court has considered the reasons for the delay set out in the application and find that the delay was not caused due to deliberate inaction or due to the negligence of the applicant and find that the delay has been properly explained.

13. Accordingly, this application stands allowed and the delay of 157 days is condoned.

14. The application is disposed of.

15. The Registry is directed to register the main MAC Appeal and list the same for admission after one week.

JUDGE

Comparing Assistant