GAHC010167672026

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

Case No. : I.A.(Civil)/3214/2026

REBECA DEORI @ REBECCA DEORI
WIFE OF LATE MAHESWAR DEORI, RESIDENT OF RAJDHANI MAZID LANE, P.S- DISPUR, GUWAHATI- 781006, DISTRICT- KAMRUP (M), ASSAM

VERSUS

SANAT KR. BHARALI BARUAH AND 5 ORS.
S/O LATE CHANDRA KR. BARUAH, RESIDENT OF JAPORIGOG, JAYANTA HAZARIKA PATH, HOUSE NO. 3, P.S.- DISPUR, GUWAHATI, DIST- KAMRUP (M), PIN- 781006

2:MISS SANYUKTA BARUAH
D/O SANAT KR. BHARALI BARUAH
RESIDENT OF JAPORIGOG
JAYANTA HAZARIKA PATH
HOUSE NO. 3
P.S.- DISPUR
GUWAHATI
DIST- KAMRUP (M)
PIN- 781006

3:SHIT ROY
SON OF SRI ASHIM ROY
R/O VILLAGE- DAKHIN BASISTHA NAGAR
HOUSE NO.-17
P.S.-BASISTHA
DISTRICT- KAMRUP (M)
ASSAM
PIN- 781029

4:NEW INDIA ASSURANCE CO. LTD.
REPRESENTED BY REGIONAL OFFICE
G.S. ROAD
BHANGAGARH

GUWAHATI
DIST.-KAMRUP (M)
PIN- 781005

5:UBER TECHNOLOGIES INC.
SAN FRANSISCO
CALIFORNIA
USA REPRESENTED BY UBER CABS INDIA REGISTERED HEAD OFFICE-
REGUS BUSINESS PLATINUM CENTRE PVT. LTD.
LEVEL-13
NAVI MUMBAI
MAHARASHTRA
INDIA
PIN- 400705

6:UBER GUWAHATI OFFICE
RESHAM NAGAR
KHANAPARA
P.O.-KHANAPARA
GUWAHATI
DIST.-KAMRUP (M) PIN- 78102

Advocate for the Petitioner : MR. A BHATTACHARYYA, MR N BARMAN

Advocate for the Respondent : MR. S C KEYAL (FOR CAVEATOR), MR. A ACHARYA(R4),MS. M GAZLOO (FOR CAVEATOR),MS D D ROY (FOR CAVEATOR),MS. R HUSSAIN (FOR CAVEATOR),P UPADHAYA (FOR CAVEATOR),KAUSHIK JAIN (FOR CAVEATOR),MS. NITUMA KAKATI (FOR CAVEATOR),M DEKA (FOR CAVEATOR)

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 14.10.2026

1. Heard Mr. A. Bhattacharyya, learned counsel for the applicant. Also heard Mr. A. Acharya, learned counsel for the opposite party No. 4 as well as Mr. P. Jalan, learned counsel for the opposite party Nos. 5 and 6.

2. None has appeared for the opposite party Nos. 1 and 2 though on last occasion, the engaged counsel for the said opposite parties appeared.

3. On perusal of the office note dated 09.10.2026, it appears that the notice could not be served on opposite party No. 5 as no such person was found in the address given.

4. The learned counsel for the applicant submits that since the opposite party No. 3 is the driver of the offending vehicle and since the notices have been served on all other opposite parties, notice to opposite party No. 5 may be waived.

5. This interlocutory application has been filed by the applicant/Insurance Company under section 5 of the Limitation Act, 1963, praying for condonation of delay of 51 days in preferring the connected MAC appeal whereBY the judgment and award dated 16.03.2026 passed in MAC Case No. 2717/2017 by the Motor Accident Claims Tribunal No. 3, Kamrup(M) has been impugned.

6. The learned counsel for the applicant has submitted that the reason for delay has been stated by the applicant in paragraph Nos. 2, 3 and 4 of the instant interlocutory application.

7. The learned counsel for opposite party No. 4 as well as learned counsel for opposite party No. 5 and 6 have not raised any objection against the said prayer.

8. I have gone through the grounds stated by the applicant in the instant interlocutory application. Same, in the considered opinion of this Court, may be considered as sufficient cause which prevented the applicant in preferring the connected appeal within the prescribed period of limitation.

9. As such, the delay of 51 days in preferring the connected appeal is hereby condoned and this interlocutory application is allowed.

10. The Registry is directed to register the connected MAC appeal and list the same for admission immediately after Puja vacation on a date to be fixed by it.

11. The name of A. Acharya may be reflected in the cause-list as engaged counsel for respondent No. 4. Similarly name of Mr. P. Jalan may be reflected in the cause-list as engaged counsel for the respondent Nos. 5 and 6 henceforth.

JUDGE

Comparing Assistant