GAHC010197382026

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

Case No. : I.A.(Civil)/3199/2026

GENERALI CENTRAL INSURANCE COMPANY LIMITED
(FORMERLY KNOWN AS FUTURE GENERALI INDIA INSURANCE COMPANY LIMITED), HAVING ITS REGISTERED OFFICE AT UNIT 801 AND 802, 8TH FLOOR, TOWER C EMBASSY 247 PARK, L.B.S. MARG, VIKHROLI WEST, MUMBAI - 400 083 ITS REGIONAL OFFICE AT 8TH FLOOR, BLOCK C APEEJAY HOUSE, 15, PARK STREET, KOLKATA- 700016 AND ITS BRANCH OFFICE AT 2ND FLOOR, R.D. ENCLAVE, ABOVE MANIKCHAND JEWELLAERS, CHRISTIANBASTI, G.S. ROAD, GUWAHATI, ASSAM- 781005, REPRESENTED BY THE DULY AUTHORIZED SIGNATORY

VERSUS

SMT. RASHMI SAIKIA AND ANR
D/O DIGANTA SAIKIA, R/O VILL- NO. 2 SONAPUR, P.O.- SONAPUR, P.S.- LALUK, DIST- LKAHIMPUR, ASSAM, PIN CODE- 784160

2:NAYAN JYOTI NATH
S/O NAGEN NATH
R/O VILL- KHADOICHUK
P.O.- JAMUGURI HAT
P.S.- JAMUGURI
DIST- SONITPUR
ASSAM
PIN CODE- 78418

Advocate for the Petitioner : MR. T KALITA, MR. A KAKATI

Advocate for the Respondent : MR. J A AHMED(R1), MUSTAFIJUR RAHMAN(R1),MR. K M HASSAN(R1)

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 14.10.2026

1. Heard Mr. T. Kalita, learned counsel for the applicant. Also heard Ms. P. Bora, learned counsel for the opposite party No. 2.

2. On perusal of the office note dated 09.10.2026, it appears that the notice issued to opposite party No. 1 by speed post has been duly delivered to him. As such, said notice is held to be duly served.

3. This interlocutory application has been filed by the applicant/Insurance Company under Section 5 of the Limitation Act, praying for condonation of delay of 49 days in preferring the connected MAC appeal, wherein the judgment and award dated 02.03.2026, passed by the Motor Accident Claims Tribunal, Lakhimpur, in MAC (Injury) Case No. 2/2025 has been impugned.

4. The learned counsel for the applicant has submitted that the reasons for delay in preferring the connected appeal beyond the prescribed period of limitation has been stated in paragraph Nos. 3 to 8 of the instant interlocutory application.

5. The learned counsel for the opposite party No. 2 submits that considering the grounds stated by the applicant, the said opposite party does not have any objection if the delay is condoned.

6. I have considered the grounds stated by the applicant in paragraph Nos. 3 to 8 of the instant interlocutory application.

7. The said ground appears to be the sufficient cause which prevented the present applicant in preferring the connected appeal within the prescribed period of limitation.

8. As such, the delay of 49 days in preferring the connected MAC 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 Puja vacation on a date to be fixed by it.

10. The Registry shall also reflect the name of Ms. P. Bora as engaged counsel for respondent No. 2 in the cause-list henceforth.

JUDGE

Comparing Assistant