GAHC010206692026

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

Case No. : I.A.(Civil)/3381/2026

ORIENTAL INSURANCE COMPANY LTD
A CENTRAL GOVT. UNDERTAKING HAVING ITS REGIONAL OFFICE AT GUWAHATI, G.S. ROAD, ULUBARI, GUWAHATI - 781 007 REPRESENTED BY THE ASSISTANT THANAGER, GAUHATI REGIONAL OFFICE, ULUBARI, GUWAHATI 781007.

VERSUS

SMT BILAI MUCHAHARY AND ORS
W/O LATE INDRAJIT MUCHAHARY,

2:MISS PHIRFILA MUCHAHARY
D/O LATE INDRAJIT MUCHAHARY

3:SMT KHAWTHALI MUCHAHARY
W/O LATE SABHARAM MUCHAHARY ALIAS SOBHANANDA MUCHAHARY
ALL ARE RESIDENT OFVILLAGE - KUMARGAON BHANDRA BAZAR
P.O. - BHANDRA BAZAR
P.S. - BIJNI
DISTRICT - CHIRANG
B.T.A.D.
ASSAM. PIN -783390 OPPOSITE PARTY NO. 2 BEING REPRESENTED BY OPPOSITE PAR

4:ARUN KUMAR JAISWAL
S/O KASHI PRASAD JAISWAL
R/O H. NO. - 91
PATHOR KUCHI

SOMIN BORO GARBHANGA
P.O. - PATARKUCHI
P.S. - BASISTHA
DISTRICT - KAMRUP M
ASSAM. PIN 781029

5:AMIT JAISWAL

S/O KASHI PRASAD JAISWAL
H. NO. - 39
WARD NO. 58
TRIPURA ROAD
BELTOLA
P.O. - B ELTOLA
P.S. - BASISTHA
DISTRICT - KAMRUP M
ASSAM. PIN - 7810

Advocate for the Petitioner : MS. R D MOZUMDAR, MR. S P SHARMA,MS. C MOZUMDAR

Advocate for the Respondent : ,

Linked Case :

ORIENTAL INSURANCE COMPANY LTD

VERSUS

BILAI MUCHAHARY AND 4 ORS

Advocate for : MS. R D MOZUMDAR
Advocate for : appearing for BILAI MUCHAHARY AND 4 ORS

BEFORE
HONOURABLE MRS. JUSTICE YARENJUNGLA LONGKUMER

ORDER

23.09.2026

1. Heard Ms. R. D. Mazumdar, the learned counsel for the applicant.

2. The office note dated 22.09.2026 shows that the notice has been delivered on respondent Nos. 1, 2, and 3 on 24.08.2026, and upon respondent No. 4 on 28.08.2026. Accordingly, the service on respondent Nos. 1, 2, 3, and 4 is deemed to be complete. In respect of respondent No. 5, the unserved notice has returned back.

3. However, the learned counsel for the applicant submits that for the purposes of this application, the presence of respondent No. 5 is not required, and thus he may be struck off from the array of respondents.

4. Accordingly, the respondent No. 5 is struck off from the array of respondents. In spite of notice, respondent Nos. 1, 2, 3, and 4 has not entered appearance. The instant application under Section 5 of the Indian Limitation Act has been preferred by the applicants praying for condonation of delay of 10 (ten) days in filing the connected appeal against the judgment and order dated 27.08.2024 passed by the learned MACT, Chirang, Kajalgaon in MAC Case No. 04/2022. The learned counsel for the applicant has stated that the reasons for the delay has been stated at paragraph Nos. 3 to 7 of the application.

5. This Court has perused the same and find that sufficient cause has been shown by the applicants for the delay of 10 (ten) days caused in preferring the connected MAC Appeal. Consequently, the

application is allowed and the delay of 10 (ten) days in filing the connected appeal is condoned.

6. The application stands disposed of.

7. The Registry shall register the main appeal and list the same for admission after one week.

JUDGE

Comparing Assistant