

MACApp. 27/2004

BEFORE

THE HON'BLE MR. JUSTICE A.H. SAIKIA

THE HON'BLE MR. JUSTICE H. ROY

Heard Mr. R.B. Deka, learned counsel appearing for the petitioner. None appears for the respondent No.1 and 2. Also heard Mr. S.K. Goswami, learned counsel for the respondent No.3, Insurance Company.

In view of the office note dated 31.8.2006 the service upon the respondents is presumed to be complete.

By means of this application filed under Section 5 of the Limitation Act, 1963, the petitioner has sought for condonation of delay of 22 days in preferring the related appeal being MAC Appeal No.27/2004.

In paragraphs 3 and 4 of the application, the delay in question has been explained.

On close examination of averments and contentions made in those abovementioned paragraphs, it appears that though the petitioner came to know about the passing of the judgment and award dated 12.9.2003, he could not take proper steps for filing the related appeal as the family members of the petitioner was suffering from extreme virulent fever for which he had to be awefully busy with them. Surprisingly, the petitioner failed to enclose any relevant documents so as to prove of such illness.

That being the position, upon hearing the learned counsel for the parties and also on overall consideration of the facts and circumstances of the case, we are disinclined to accept the statements made in those paragraphs above as 'sufficient cause' for condoning the delay in question.

Consequently, this application stands dismissed.