

GAHC010023892025



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

Case No. : MACApp./59/2025

SRI MUKUL GOGOI
SON OF LATE BALO RAM GOGOI, RESIDENT OF 2 NO BIRKUCHI, KALITA
KUCHI, P.S.- NOONMATI, GUWAHATI DISTRICT-KAMRUP (M), ASSAM

VERSUS

M/S ORIENTAL INSURANCE CO. LTD. AND ANR
REGIONAL OFFICE, ULUBARI, GUWAHATI-781007, DISTRICT-KAMRUP (M),
ASSAM.

2:JITUMANI DAS
SON OF SRI SURESH CH. DAS
R/O- UPPER JATIYA
UJJAL NAGAR
WARD NO.-24. KAHILIPARA
GUWAHATI
DISTRICT-KAMRUP (M)
ASSAM
PIN-78101

Advocate for the appellant(s): Mr. A Bhattacharyya

Advocate for the respondent(s): X X

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 03.03.2025

Heard Mr. A Bhattacharyya, the learned counsel appearing on behalf of the appellant.

2. This is an appeal preferred under Section 173 of the Motor Vehicle Act, 1988 challenging the judgment and order dated 22.01.2025 passed by the learned Member, Motor Accident Claims Tribunal No.3, Kamrup(Metro) Guwahati in MAC Case No.967/2022, whereby the claim application was dismissed on the ground that there was no evidence on record to show that the alleged accident was as a result of rash and negligent driving.

3. The learned counsel appearing on behalf of the appellant submitted that exhibit-1 was the accident information report in Form 54, wherein details of the FIR was mentioned. In addition to that, the eye witness who was the PW-2 had given evidence. These aspects were not at all taken into consideration.

4. Taking into account the above, the instant appeal is admitted.

5. Appellant is directed to take steps upon the respondents by way of registered post with A/D as well as through usual process within 3(three) days.

6. List after completion of service.

JUDGE

Comparing Assistant