

GAHC010023892025



2026:GAU-AS:8672

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 Petitioner : MR. A BHATTACHARYYA, MR. S SINGH

Advocate for the Respondent : MR P J DUTTA (R-2), MS P SARMA(R-1),MR. R SHARMA(R-1),MR. S K GOSWAMI (R-1),A KALITA (R-2),MR J. B. CHOUDHURY (R-2),MR. A KHANDAKAR (R-2)

**BEFORE
HONOURABLE MRS. JUSTICE YARENJUNGLA LONGKUMER**

ORDER

16/06/2026

The instant appeal under Section 173 of the MV Act has been preferred against the Judgment and Order dated 22.01.2025 passed in MAC Case No. 967/2022 by the learned MACT, No.3 Kamrup(M) at Guwahati.

2. Heard Mr. A. Bhattacharya, learned counsel for the appellant. Also heard, Mr. S.K. Goswami, learned counsel for the respondent No.1/Insurer.

3. The appellant herein is aggrieved by the Judgment and Award dated 22.01.2025 passed in MAC Case No. 967/2022, in as much as his claim petition was dismissed by the learned Tribunal in spite of the fact that the claimant had been injured in a motor vehicle accident on 06.05.202, on the ground that the claimant had not been able to produce the FIR and could not prove the negligence on the part of the driver of the offending vehicle in the commission of the alleged accident.

4. At the outset, the learned counsel, Mr. S.K. Goswami appearing for the respondent No.1/Insurer has submitted that that Hon'ble Supreme Court in the Case of ***Gohar Mohammad Vs Uttar Pradesh State Road Transport Corporation and Other*** in ***(2023) 4 SCC 381*** has laid down certain guidelines to be followed in the case of Motor Accident Claims. It has been held by the Supreme Court that the Police Officers and the Registering Authority are duty bound and to act as per the MV Amendment Act and the Rules and are required to submit the FAR, IAR and DAR within the prescribed period under the

Rules. The Registering Authority is also bound to take action in the matter of verification of the permit, and fitness of vehicle, driver's license and other ancillary issues. The insurance company is also bound to appoint the nodal officer as per Rule 24 to facilitate the investigating officer in the matter of inquiry and investigation, submitting details regarding insurance and coordinate with the stakeholders.

5. The Hon'ble Supreme Court had also held that the procedure carved out under Section 149 of the amendment act is de novo on filing the FAR before the claims Tribunal and The tribunal is required to register such proceedings as Miscellaneous Application.

6. The learned counsel for the respondent No.1/Insurer has also drawn the attention of this Court to an order dated 23.02.2026 passed in MAC Appeal No.77/2022, by a coordinate Bench of this Court wherein the matter had been referred to the Special Investigation Team, Assam. He has submitted that this appeal can be disposed of with a similar direction. The learned counsel for the appellant has also not objected to such suggestions.

7. This appeal is therefore disposed of at this stage by referring the matter to the Special Investigation Team, Assam constituted as per the observations made by the Hon'ble Supreme Court in the Case of ***Safiq Ahmad vs Icici Lombard General Insurance Co. Ltd. and Others in Special Leave Petition(Civil) No.1110/2017;*** to investigate the facts and circumstances regarding the accident, which happened on 06.05.2022 at Noonmati, Guwahati.

8. The Registry shall return the Case Records to the learned MACT, No.3 Kamrup(M) at Guwahati and on receipt of the same the learned Tribunal shall

proceed with the matter as per the directions of the Hon'ble Supreme Court in the case mentioned herein above and in accordance with law, and shall make an endeavour to dispose of the matter upon receiving the report from the SIT.

9. The Registry shall also forward the copy of this Judgment and Order to the Special Investigation Team, Assam for compliance of the directions herein.

10. Consequently, the judgment and order dated 22.01.2025 passed in MAC Case No. 967/2022 by the learned MACT, No.3 Kamrup(M) is quashed and set aside and remanded back as stated above.

JUDGE

Comparing Assistant