

GAHC010040822026



undefined

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

**Case No. : MACApp./134/2026**

MIRA BEGUM AND 3 ORS  
W/O LATE RIJU ALI, RESIDENT OF VILLAGE- KAMALPUR, P.O.-  
PUTHIMARI, P.S.- KAMALPUR, IN THE DISTRICT OF KAMRUP, ASSAM, PIN-  
781380 AND PRESENTLY RESIDING AT VILLAGE- BURIKAMAR, P.O.-  
BAGODI, P.S.- SARTHEBARI, IN THE DISTRICT- BARPETA, ASSAM, 781311.

2: RAHUL ALI  
S/O LATE RIJU ALI  
RESIDENT OF VILLAGE- KAMALPUR  
P.O.- PUTHIMARI  
P.S.- KAMALPUR  
IN THE DISTRICT OF KAMRUP  
ASSAM  
PIN- 781380 AND PRESENTLY RESIDING AT VILLAGE- BURIKAMAR  
P.O.- BAGODI  
P.S.- SARTHEBARI  
IN THE DISTRICT- BARPETA  
ASSAM  
781311.

3: TINA BEGUM  
D/O LATE RIJU ALI  
RESIDENT OF VILLAGE- KAMALPUR  
P.O.- PUTHIMARI  
P.S.- KAMALPUR  
IN THE DISTRICT OF KAMRUP  
ASSAM  
PIN- 781380 AND PRESENTLY RESIDING AT VILLAGE- BURIKAMAR  
P.O.- BAGODI  
P.S.- SARTHEBARI  
IN THE DISTRICT- BARPETA  
ASSAM  
781311.

4: KHABIR ALI  
FATHER OF LATE RIJU ALI  
RESIDENT OF VILLAGE- KAMALPUR  
P.O.- PUTHIMARI  
P.S.- KAMALPUR  
IN THE DISTRICT OF KAMRUP  
ASSAM  
PIN- 781380 AND PRESENTLY RESIDING AT VILLAGE- BURIKAMAR  
P.O.- BAGODI  
P.S.- SARTHEBARI  
IN THE DISTRICT- BARPETA  
ASSAM  
781311

VERSUS

NARUL ISLAM AND 2 ORS  
S/O LATE TASNUR ALI, R/O BAMONGAON, P.O.- PUTHIMARI, P.S.-  
KAMALPUR, IN THE DISTRICT OF KAMRUP, ASSAM, 781380.

2:UPASANA DAS  
D/O KABIN DAS  
RESIDENT OF VILLAGE - SUTARGAON  
P.O.- BAIHATA CHARIALI  
P.S.- BAIHATA CHARIALI  
IN THE DISTRICT OF KAMRUP  
ASSAM  
781380

3:BRANCH MANAGER OF TATA AIG GENERAL INSURANCE CO. LTD.  
3RD FLOOR  
MAYUR GARDEN  
OPPOSITE HDFC BANK  
BHANGAGARH  
GUWAHATI  
ASSAM  
78100

**Advocate for the Petitioner** : MR. P P DAS, MR. SURAJIT DAS

**Advocate for the Respondent** : ,

**BEFORE**  
**HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

**ORDER**

**Date : 26.03.2026**

1. Heard Mr. S. Das, the learned counsel for the appellants.
2. This appeal under Section 173 of Motor Vehicles Act, 1988 has been filed by the appellant impugning the judgment and order dated 29.11.2025, passed by the Motor Accident Claims Tribunal, Barpeta in MAC Case No. 375/2024, whereby the claims petition filed by the present appellants under Section 166 of Motor Vehicles Act, 1988 was dismissed by the Tribunal on the grounds that it is hit by Section 166 of the Motor Vehicles Act, 1988 and that the Motor Accident Claims Tribunal, Barpeta, does not have jurisdiction to entertain the aforesaid application.
3. The learned counsel for the appellants has submitted that the false title of the application filed by the present appellant under Section 166 of the Motor Vehicles Act, 1988 before the Claims Tribunal itself indicates that only claimants/ appellants are the residents of District Barpeta and were residing in District Barpeta at the time of filing of the claims petition.
4. He submits that under Section 166 of Motor Vehicles Act, 1988 the Motor Accident Claims Tribunal, in whose jurisdiction the

claimant resides or carries on business, does have the jurisdiction to entertain an application under Section 166 of Motor Vehicles Act, 1988.

5. He, therefore, submits that the impugned order was apparently wrong and contrary to the statutory provision. He submits that the Motor Accident Claims Tribunal has even not issued notice to the respondents and has dismissed the claims petition without taking into consideration the statutory provision, which entitles the present appellants to file the claims petition before the Motor Accident Claims Tribunal.
6. I have considered the submissions made by the learned counsel for the appellant.
7. On bare perusal of the impugned order as well as the cause title of the application filed by the present appellants under Section 166 of the Motor Vehicles Act, 1988 before the Motor Accident Claims Tribunal, it appears *prima facie* that the impugned order appears to be erroneous. However, as the claims petition filed by the present appellants were dismissed by the Motor Accident Claims Tribunal by making an observations that the claimants have not shown any documents showing that they are presently residing in the District of Barpeta, this Court intends to peruse the records of the MAC Case No. 375/2024 before passing any orders in this regard.
8. Hence, let the records of MAC Case No. 375/2024 be called for from the Motor Accident Claims Tribunal.

9. The Registry shall take steps for requisitioning the aforesaid records.
10. Let this case be listed again on 15.05.2026.

**JUDGE**

**Comparing Assistant**