

GAHC010046922026



undefined

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

**Case No. : FAO/17/2026**

JOYGUN NESSA @ JOYGUN BIBI AND 5 ORS.  
WIFE OF LATE MIR HUSSAIN, RESIDENT OF VILL.- CHARUABAKHRA  
JUNGLE BLOCK, P.O.- CHIRAKUTA, P.S.- CHAPAR, DISTRICT- DHUBRI,  
ASSAM. PIN- 783348

2: JOHIRUL ISLAM  
SON OF LATE MIR HUSSAIN  
RESIDENT OF VILL.- CHARUABAKHRA JUNGLE BLOCK  
P.O.- CHIRAKUTA  
P.S.- CHAPAR  
DISTRICT- DHUBRI  
ASSAM. PIN- 783348 (BEING MINOR REPRESENTED BY APPELLANT NO. 1)

3: MOYFUL NESSA  
DAUGHTER OF LATE MIR HUSSAIN  
RESIDENT OF VILL.- CHARUABAKHRA JUNGLE BLOCK  
P.O.- CHIRAKUTA  
P.S.- CHAPAR  
DISTRICT- DHUBRI  
ASSAM. PIN- 783348 (BEING MINOR REPRESENTED BY APPELLANT NO. 1)

4: TAMANNA BEGUM  
DAUGHTER OF LATE MIR HUSSAIN  
RESIDENT OF VILL.- CHARUABAKHRA JUNGLE BLOCK  
P.O.- CHIRAKUTA  
P.S.- CHAPAR  
DISTRICT- DHUBRI  
ASSAM. PIN- 783348 (BEING MINOR REPRESENTED BY APPELLANT NO. 1)

5: MAKSED ALI  
SON OF ABBAS ALI  
RESIDENT OF VILL.- CHARUABAKHRA JUNGLE BLOCK  
P.O.- CHIRAKUTA  
P.S.- CHAPAR

DISTRICT- DHUBRI  
ASSAM. PIN- 783348

6: MANORA BIBI  
WIFE OF MAKSED ALI  
RESIDENT OF VILL.- CHARUABAKHRA JUNGLE BLOCK  
P.O.- CHIRAKUTA  
P.S.- CHAPAR  
DISTRICT- DHUBRI  
ASSAM. PIN- 78334

VERSUS

SORHAB ALI AND 2 ORS.  
SON OF HAMED ALI, RESIDENT OF VILL.- CHINAMARI, P.O.- LAKHIGANJ,  
P.S.- BILASIPARA, DISTRICT- DHUBRI, ASSAM. PIN- 783348

2:RAMJAN ALI  
SON OF SUBRAT SK.  
RESIDENT OF VILL.- WARD NO. 9  
BILASIPARA TOWN  
P.O.- HAKAMA  
P.S.- BILASIPARA  
DISTRICT- DHUBRI  
ASSAM  
PIN-783348

3:THE BRANCH MANAGER  
BHUTAN INSURANCE CO. LTD  
GELEPHU BRANCH  
FIRST FLOOR  
OIL BUILDING  
OPPOSITE TO BDBL OFFICE  
GELEPHU TOWN  
BHUTAN

**Advocate for the Petitioner** : MR. L R MAZUMDER, MR. A ISLAM

**Advocate for the Respondent** : ,

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

**ORDER**

**Date : 01.04.2026**

1. Heard Mr. L. R. Mazumdar, the learned counsel for the appellants.
2. This appeal under Order 43 Rule 1(a) of the Code of Civil Procedure, 1908 has been filed by the appellants, impugning the order dated 17.01.2026 passed by the Motor Accident Claims Tribunal, Bilasipara in MAC Case No. 14/2023 by which the application under Section 166 of the Motor Vehicle Act filed by the present appellants was returned back to the appellants on the ground of lack of jurisdiction.
3. I have perused the grounds stated in the Memo of Appeal as well as considered the submissions made by the learned counsel for the appellants.
4. The appeal is admitted.
5. Call for the records of the MAC Case No. 14/2023 from the concerned Tribunal.
6. Registry shall take steps for requisitioning the aforesaid records.
7. Issue notice to the respondents.

8. The appellants shall take steps for service of notice upon the respondent by speed post as well as by usual mode within seven days from the date of this order, returnable on 15.05.2026.
9. Let this matter be listed on 15.05.2026.

**JUDGE**

**Comparing Assistant**