

GAHC010049852026



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

Case No. : CRP(IO)/78/2026

SANTANU MAZUMDAR
S/O LATE APURBA KUMAR MAZUMDAR, R/O VILL.- LAZUM NO.1, P.O.
AND P.S.- MARGHERITA, DISTRICT- TINSUKIA, ASSAM, PIN- 786181

VERSUS

SMT. RINA DAS AND 2 ORS.
W/O LT. SANJIT DAS, R/O RAILWAY STATION PARA, POWAL, P.O.- POWAL,
P.S.- DIGBOI, DIST.- TINSUKIA, ASSAM

2:MISS SUPRIYA DAS
D/O LT. SANJIT DAS
R/O RAILWAY STATION PARA
POWAL
P.O.- POWAL
P.S.- DIGBOI
DIST.- TINSUKIA
ASSAM

3:ON THE DEATH OF BHUPEN GOGOI
HIS LEGAL REPRESENTATIVES
NAMELY

3.1:GITUMONI CHUTIA GOGOI
W/O LATE BHUPEN GOGOI
R/O SAP 1771
P.O. AND P.S.- DULIAJAN
DIST- DIBRUGARH
ASSAM

3.2:BIGYAJYOTI GOGOI
S/O LATE BHUPEN GOGOI

R/O SAP 1771
P.O. AND P.S.- DULIAJAN
DIST- DIBRUGARH
ASSAM

3.3:KOLLUL JYOTI GOGOI
S/O LATE BHUPEN GOGOI
R/O SAP 1771
P.O. AND P.S.- DULIAJAN
DIST- DIBRUGARH
ASSA

Advocate for the Petitioner : MR D KALITA, MS R KOUR

Advocate for the Respondent : ,

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 16.03.2026

Heard Mr. D. Kalita, learned counsel appearing for the petitioner.

2. By way of this petition under Article 227 of the Constitution of India, the petitioner assails the impugned order dated 11.11.2025 passed by the learned Additional Member (MACT), Margherita (hereinafter referred to as "the Tribunal") in Case No. MACT 7/2022, whereby the petitioner/opposite party No.1 was directed to file an affidavit clarifying certain facts which, according to the Tribunal, were not disclosed in his pleadings.

3. The brief facts necessary for adjudication are that respondent Nos.1 and 2 instituted a claim petition under Section 166 of the Motor Vehicles Act, 1988 before the Tribunal, registered as MACT Case No. 7/2022. In the said proceedings, the present petitioner was arrayed as the driver of the offending vehicle, while the legal heirs of the original

owner were impleaded as respondent Nos. 3(i) to 3(iii).

4. During the course of trial, the learned Tribunal noticed that the petitioner had allegedly purchased the offending vehicle from one Luiliam Lamaty. However, such fact was not disclosed in the written statement filed by the petitioner. In that view of the matter, the learned Tribunal, by the impugned order dated 11.11.2025, directed the petitioner to file an affidavit disclosing the relevant particulars regarding the sale of the vehicle as well as its present possession and plying.

5. Mr. D. Kalita, learned counsel appearing for the petitioner, submits that the petitioner had never pleaded that he had purchased the offending vehicle. It is therefore contended that the direction of the Tribunal virtually shifts the burden upon the petitioner to prove a fact which was never pleaded by him. It is further submitted that the legal representatives of the original owner have not filed any written statement in the proceedings.

6. I have considered the submissions of the learned counsel for the petitioner and have perused the materials available on record. From the records it appears that the learned Tribunal, upon scrutiny of the documents on record, found that the original owner (opposite party No.2) had sold the offending vehicle to one Luiliam Lamaty and that the said Luiliam Lamaty had subsequently sold the vehicle to the present petitioner. In view of the said circumstance, the Tribunal considered it appropriate to direct the petitioner to file an affidavit clarifying the present possession and plying of the vehicle.

7. The supervisory jurisdiction of this Court under Article 227 of the Constitution is not intended to be invoked against every interlocutory order passed by a trial forum. Unless the order impugned suffers from patent perversity or results in manifest injustice, interference in exercise of such jurisdiction would not be warranted. In the present case, no substantive right of the parties stands prejudiced by the direction issued by the Tribunal. Moreover, under Section 169 of the Motor Vehicles Act, 1988, the Tribunal is vested with wide powers to follow such summary procedure as it thinks fit, including the power to require discovery and production of material necessary for effective adjudication of the claim.

8. In the present case, the fact regarding the alleged transfer of the vehicle to the petitioner surfaced from Petition No. 822/2023 dated 25.07.2023 filed by the wife of late Bhupen Gogoi, the original owner of the offending vehicle. In such circumstances, the direction issued by the Tribunal requiring the petitioner to clarify the position by way of an affidavit cannot be said to be either arbitrary or without jurisdiction.

9. In view of the above, this Court finds no infirmity in the impugned order warranting interference under Article 227 of the Constitution of India.

10. Accordingly, the civil revision petition stands dismissed.

No order as to costs.

JUDGE

Comparing Assistant