

GAHC010079932024



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

Case No. : MACApp./167/2024

UNITED INDIA INSURANCE COMPANY LTD.
HAVING ITS REGISTERED OFFICE AND HEAD OFFICE AT 24 WHITES
ROAD, CHENNAI AND ITS REGIONAL OFFICE AT G.S. ROAD, DISPUR,
GUWAHATI.

VERSUS

PURNIMA KALITA AND 5 ORS.
W/O LATE BIRESH KALITA,
VILL.- PURAN KATAHI, P.S.- CHHAYGAON, DIST.- KAMRUP, ASSAM, PIN-
781124.

2:ULACHI KALITA
M/O LATE BIRESH KALITA

VILL.- PURAN KATAHI
P.S.- CHHAYGAON
DIST.- KAMRUP
ASSAM
PIN- 781124.

3:KANGKANA KALITA
D/O LATE BIRESH KALITA

VILL.- PURAN KATAHI
P.S.- CHHAYGAON
DIST.- KAMRUP
ASSAM
PIN- 781124.

4:RUPJYOTI KALITA
S/O LATE BIRESH KALITA

VILL.- PURAN KATAHI
P.S.- CHHAYGAON
DIST.- KAMRUP
ASSAM
PIN- 781124.

5:ORNATE INFRACON PVT LTD.
14TH BAIKUNTHAPUR PATH
HATIGARH CHARIALI
GUWAHATI
DIST.- KAMRUP
ASSAM
PIN- 781021.

6:SATYA KALITA
S/O SRI RUPSING KALITA

VILL.- KOTOHI
P.S.- CHHAYGAON
DIST.- KAMRUP
ASSAM
PIN- 781124

Advocate for the Petitioner : MR. R GOSWAMI

Advocate for the Respondent :

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 24.04.2024

Heard Mr. R. Goswami, learned counsel for the appellant.

This appeal is filed under Section 173 of the Motor Vehicles Act, 1988 challenging the judgment and award dated 17.01.2024 passed by the learned

Member, MACT, Kamrup (M) in MAC. Case No.827/2018 filed under Section 166 of the MV, Act, 1988.

It is submitted by the learned counsel for the appellant, Mr. Goswami that the present appeal has been filed as the person injured i.e the handyman of the truck was not covered under the policy, though the compensation was awarded judgment and award dated 17.01.2024 passed by the learned Member, MACT, Kamrup (M) in MAC. Case No.827/2018.

Admit.

Issue notice to the respondents, returnable within 4(four) weeks.

The learned counsel for the appellant shall take steps for service of notice upon respondent Nos. 1 to 6 by registered post with A/D as well as through usual process, within 3 (three) days.

Also call for the LCR from the learned Court below.

List the matter after **4(four) weeks**.

JUDGE

Comparing Assistant