

GAHC010104792025



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

Case No. : MACApp./237/2025

UNITED INDIA INSURANCE CO. TD.
HAVING ITS REGISTERED OFFICE AND HEAD OFFICE AT 24, WHITES
ROAD, CHENNAI AND ITS REGIONAL OFFICE AT G.S. ROAD, DISPUR,
GUWAHATI AND REPRESENTED BY THE CHIEF REGIONAL MANAGER,
GUWAHATI REGIONAL OFFICE, G.S. ROAD, DISPUR, GUWAHATI 781005

VERSUS

MUSTT SARBHANU @ SAHARBHANU KHATUN AND 5 ORS
W/O LATE BAHEJ ALI

2:SAHAR ALI

S/O LATE BAHEJ ALI

3:MISS ROSMINA KHATUN

D/O LATE BAHEJ ALI

4:MUSTT GOL BHANU

W/O JIL HUSSAIN

ALL ARE R/O VILL DHALPUR (PART)
P.O. JAHIRPUR AND P.S. SIPAJHAR
DIST. DARRANG (ASSAM)
PIN 781137
PRESENT ADDRESS.
VILL. NO 1 DOKONIA
P.O. TAPABORI
P.S. HAJO
DIST. KAMRUP (M)

ASSAM

PIN 781102

RESPONDENT NOS. 2 AND 3 BEING MINORS ARE REPRESENTED BY THEIR
LEGAL GUARDIAN MOTHER I.E. RESPONDENT NO. 1

5:SURMAN ALI

S/O JALU SHEIKH

R/O VILL. TAPABORI

P.O. TAPABORI

P.S. HAJO

DIST. KAMRUP (M)

ASSAM

PIN 781102

6:MAINUDDIN AHMED

S/O MOKBUL HUSSAIN

R/O VILL. BHEIKAR NO. 2

P.O. BHEIKAR BAZAR

P.S. HAJO

DIST. KAMRUP (M)

ASSAM

PIN 78110

Advocate for the appellant(s): Mr. R Goswami

Advocate for the respondent(s): Mr. AR Agarwalla

B E F O R E

HON'BLE MR. JUSTICE DEVASHIS BARUAH

ORDER

04.06.2025

Heard Mr. R Goswami, the learned counsel appearing on behalf of the
appellant. Mr. AR Agarwala, the learned counsel who appears on behalf of the

respondents/claimants.

2. This is an appeal filed under Section 173 of the Motor Vehicles Act, 1988 challenging the impugned judgment and award dated 15.02.2025 passed by the learned Member, Motor Accident Claims Tribunal No.2, Kamrup(M) in MAC Case No.735/2020.

3. The learned counsel for the appellant submits that the grounds of objection taken in the instant appeal is that the learned Tribunal had misconstrued the evidence on record and had arrived at that it was a motor accident. Rather, it appears from the evidence on record that it is a case of drowning, for which, the question of availing the remedies before a Motor Accident Claims Tribunal does not arise.

4. Taking into account the grounds of objection, the instant appeal is admitted.

5. Call for the records.

6. As Mr. AR Agarwala, the learned counsel appears and accepts notice on behalf of the respondent Nos.1 to 4, who are on caveat, extra copies of the memo of appeal be served upon him within 3(three) days from today.

7. As regards, the respondent Nos.5 and 6 taking into account the grounds of objection so taken, the names of respondent Nos.5 and 6 are struck off from the array of respondents.

8. The learned counsel for the appellant is directed to file a fresh memo of parties before the Registry of this Court and the Registry on the basis of the instant order shall make the necessary correction in the appeal and update the same in the CIS.

9. List again on 05.08.2025.

JUDGE

Comparing Assistant