

GAHC010117832020



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

Case No. : MACApp./204/2020

NATIONAL INSURANCE COMPANY LIMITED
HAVING ITS REGD OFFICE AT 3, MIDDLETON STREET, KOLKATA AND REP.
BY THE REGIONAL MANAGER OF ITS REGIONAL OFFICE AT GS ROAD,
BHANGAGARH, GUWAHATI- 781005

VERSUS

JOHURUL ISLAM AND 8 ORS
S/O- CHANDU PARAMANIK, R/O- VILL- HALDIBARI PT II, P.S-
MERERCHAR, DIST- BONGAIGAON, ASSAM, PIN- 783384

2: JAKIR HUSSAIN
S/O- JOHURUL ISLAM
R/O- VILL- HALDIBARI PT II
P.S- MERERCHAR
DIST- BONGAIGAON
ASSAM
PIN- 783384

3: JEBI AHMED
S/O- JOHURUL ISLAM
R/O- VILL- HALDIBARI PT II
P.S- MERERCHAR
DIST- BONGAIGAON
ASSAM
PIN- 783384

4: MOHIBUR RAHMAN
S/O- ABDUL JABBAR
R/O- WARD NO. 4
MANGALDOI
DIST- DARRANG

ASSAM
PIN- 784125

5:MOHIBUL HOQUE
S/O- PEEAR ALI
R/O- VILL- DHULA
P.O- DHULA
P.S- DHULA
DIST- DARRANG
ASSAM
PIN- 784146

6:THE CHIEF GM
ASEB
APDCL
BIDYUT BHAWAN
PALTAN BAZAR
GUWAHATI
ASSAM
PIN- 781001

7:THE GENERAL MANAGER
ASEB
APDCL
DISTRICT ELECTRICITY BOARD
BONGAIGAON
ASSAM
PIN- 783380

8:THE ASSTT GM
ASEB
APDCL
DISTRICT ELECTRICITY BOARD
BONGAIGAON
ASSAM
PIN- 783380

9:THE SUB DIVISIONAL ENGINEER
ASEB
APDCL
SUB DIVISIONAL ELECTRICITY BOARD
BIJNI
CHIRANG
BTAD
ASSAM
PIN- 78339

Advocate for the Respondent : MR. B K DAS

Linked Case : I.A.(Civil)/1642/2020

NATIONAL INSURANCE COMPANY LIMITED
HAVING ITS REGISTERED OFFICE AND HEAD OFFICE AT 3
MIDDLETON STREET KOLKATA AND REPRESENTED BY THE CHIEF
REGIONAL MANAGER OF ITS REGIONAL OFFICE AT GS ROAD
BHANGAGARH
GUWAHATI

VERSUS

MUSTT. BULBULI KHATUN AND 6 ORS
W/O AYNAL HOQUE. RESIDENT OF VILLAGE TOGAON
PS MERERCHAR
DIST BONGAIGAON
ASSAM
783384

2:MOHIBUR RAHMAN
S/O ABDUL JABBAR

RESIDENT OF WARD NO 4
MANGALDAI
PO AND PS MANGALDAI
DIST DARRANG
ASSAM 784125
OWNER OF THE VEHICLE NO. AS 19/6565(BUS)

3:MOHIBUL HOQUE
S/LO PEEAR ALI
RESIDENT OF VILLAGE DHULA
PO AND PS DHULA
DIST DARRANG
ASSAM 784146

DRIVER OF THE VEHICLE NO. AS-19-6565 (BUS)

4:THE CHIEF GENERAL MANAGER
ASEB
APDCL
BIDYUT BHAWAN PALTAN BAZAR
GUWAHATI ASSAM 781001
5:THE GENERAL MANAGER

ASEB APDCL
DISTRICT ELECTRICITY BOARD
BONGAIGAON
ASSAM 783380
6:THE ASSISTANT GENERAL MANAGER
ASEB
APDCL
DISTRICT ELECTRICITY BOARD
BONGAIGAON
ASSAM 783380
7:THE SUB DIVISIONAL ENGINEER
ASEB APDCL
SUB DIVISIONAL ELECTRICITY BOARD
BIJNI

CHIRANG
BTAD
ASSAM 783390

Advocate for : MR. R GOSWAMI
Advocate for : appearing for MUSTT. BULBULI KHATUN AND 6 ORS

Linked Case : I.A.(Civil)/1428/2020

NATIONAL INSURANCE COMPANY LIMITED
HAVING ITS REGD OFFICE AT 3
MIDDLETON STREET
KOLKATA AND REP. BY THE REGIONAL MANAGER OF ITS REGIONAL
OFFICE AT GS ROAD
BHANGAGARH
GUWAHATI- 781005

VERSUS

JOHURUL ISLAM AND 8 ORS
S/O- CHANDU PARAMANIK
R/O- VILL- HALDIBARI PT II
P.S- MERERCHAR
DIST- BONGAIGAON
ASSAM
PIN- 783384

2:JAKIR HUSSAIN
S/O-JOHURUL ISLAM
R/O- VILL- HALDIBARI PT II

P.S- MERERCHAR
DIST- BONGAIGAON
ASSAM
PIN- 783384
3:JEBI AHMED
S/O- JOHURUL ISLAM
R/O- VILL- HALDIBARI PT II
P.S- MERERCHAR
DIST- BONGAIGAON
ASSAM
PIN- 783384
4:MOHIBUR RAHMAN
S/O- ABDUL JABBAR
R/O- WARD NO. 4
MANGALDOI
DIST- DARRANG
ASSAM
PIN- 784125
5:MOHIBUL HOQUE
S/O- PEEAR ALI
R/O- VILL- DHULA
P.O- DHULA
P.S- DHULA
DIST- DARRANG
ASSAM
PIN- 784146
6:THE CHIEF GM
ASEB
APDCL
BIDYUT BHAWAN
PALTAN BAZAR
GUWAHATI
ASSAM
PIN- 781001
7:THE GENERAL MANAGER
ASEB
APDCL
DISTRICT ELECTRICITY BOARD
BONGAIGAON
ASSAM
PIN- 783380
8:THE ASSTT GM
ASEB
APDCL
DISTRICT ELECTRICITY BOARD
BONGAIGAON
ASSAM
PIN- 783380

9:THE SUB DIVISIONAL ENGINEER
ASEB
APDCL
SUB DIVISIONAL ELECTRICITY BOARD
BIJNI
CHIRANG
BTAD
ASSAM
PIN- 783390

Advocate for : MR. R GOSWAMI
Advocate for : appearing for JOHURUL ISLAM AND 8 ORS

Linked Case : MACApp./225/2020

NATIONAL INSURANCE COMPANY LIMITED
HAVING ITS REGISTERED OFFICE AND HEAD OFFICE AT 3
MIDDLETON STREET
KOLKATA AND REP. BY THE REGIONAL MANAGER OF ITS REGIONAL
OFFICE AT G.S. ROAD
BHANGAGARH
GHY- 5.

VERSUS

MUSSTT. MAJEDA KHATUN AND 10 ORS
W/O- LT. GIAS UDDIN
R/O VILL.- HALDIBARI PT- II
P.S.- MERERCHAR
DIST.- BONGAIGAON
ASSAM
PIN- 783384.

2:JESMINA KHATUN
D/O- LT. GIAS UDDIN
R/O VILL.- HALDIBARI PT- II
P.S.- MERERCHAR
DIST.- BONGAIGAON
ASSAM
PIN- 783384.

3:MOFIDUL ISLAM
S/O- LT. GIAS UDDIN
R/O VILL.- HALDIBARI PT- II
P.S.- MERERCHAR
DIST.- BONGAIGAON

ASSAM
PIN- 783384.
4:MAZIDUL ISLAM
S/O- LT. GIAS UDDIN
R/O VILL.- HALDIBARI PT- II
P.S.- MERERCHAR
DIST.- BONGAIGAON
ASSAM
PIN- 783384.
5:MUSTT. CHAKINA KHATUN
W/O- LT. KASEM ALI
R/O VILL.- HALDIBARI PT- II
P.S.- MERERCHAR
DIST.- BONGAIGAON
ASSAM
PIN- 783384.
6:MOHIBUR RAHMAN
S/O-ABDUL JABBAR
R/O- W/NO. 4
MANGALDOI
P.O. AND P.S.- MANGALDOI
DIST.- DARRANG
ASSAM
PIN- 784125.
7:MOHIBUL HOQUE
S/O- PEEAR ALI
R/O VILL.
P.O. AND P.S.- DHULA
DIST.- DARRANG
ASSAM
PIN- 784146.
8:THE CHIEF GENERAL MANAGER
ASEB
APDCL
BIDYUT BHAWAN
PALTAN BAZAR
GUWAHATI
ASSAM
PIN- 781001.
9:THE GENERAL MANAGER
ASEB
APDCL
DISTRICT ELECTRICITY BOARD
BONGAIGAON
ASSAM
PIN- 783380.
10:THE ASSTT. GENERAL MANAGER
ASEB

APDCL
DISTRICT ELECTRICITY BOARD
BONGAIGAON
ASSAM
PIN- 783380.
11:THE SUB-DIVISIONAL ENGINEER
ASEB
APDCL
SUB-DIVISIONAL ELECTRICITY BOARD
BIJNI
CHIRANG
BTAD
ASSAM
PIN- 783390.

Advocate for : MR. R GOSWAMI
Advocate for : MR. B K DAS appearing for MUSSTT. MAJEDA KHATUN AND 10
ORS

Linked Case : MACApp./255/2020

NATIONAL INSURANCE COMPANY LIMITED
HAVING ITS REGISTERED OFFICE AND HEAD OFFICE AT 3
MIDDLETON STREET KOLKATA AND REPRESENTED BY THE REGIONAL
MANAGER OF ITS REGIONAL OFFICE AT G.S. ROAD
BHANGAGARH
GUWAHATI 781005

VERSUS

MUSTT. MOZIRAN NESSA AND 7 ORS (E)
W/O TAYEB ALI
R/O VILL. HALDIBARI PT-II
P.S. MERERCHAR
DIST. BONGAIGAON
ASSAM
PIN 783384

2:TAYEB ALI
S/O LATE SON ULLAH
R/O VILL. HALDIBARI PT-II
P.S. MERERCHAR
DIST. BONGAIGAON
ASSAM
PIN 783384

3:MOHIBUR RAHMAN
S/O ABDUL JABBAR
R/O W/NO. 4
MANGALDOI
P.O. MANGALDOI
P.S.MANGALDOI
DIST. DARANG
ASSAM
PIN 784125

4:MOHIBUL HOQUE
S/O PEEAR ALI
R/O VILL. DHULA
P.O. DHULA
P.S. DHULA
DIST. DARRANG
ASSAM
PIN 784146

5:THE CHIEF GENERAL MANAGER
ASEB
APDCL
BIDYUT BHAWAN
PALTAN BAZAR
GUWAHATI
ASSAM
PIN 781001

6:THE GENERAL MANAGER
DIST. ELECTRICITY BOARD
BONGAIGAON
ASSAM
PIN 783380

7:THE ASSTT. GENERAL MANAGER
ASEB
APDCL
DIST. ELECTRICITY BOARD
BONGAIGAON
ASSAM
PIN 783380

8:THE SUB DIVISIONAL ENGINEER
ASEB
APDCL SUB DIVISIONAL ELECTRICITY BOARD
BIJNI
CHIRANG
BTAD
ASSAM
PIN 783390

Advocate for : MR. R GOSWAMI

Advocate for : MR. B K DAS appearing for MUSTT. MOZIRAN NESSA AND 7 ORS

**BEFORE
HONOURABLE MR. JUSTICE NANI TAGIA**

ORDER

Date : 25.01.2021

Heard Mr. R. Goswami, learned counsel for the appellant-Insurance Company.

Also heard Mr. M. Khan, learned counsel for the respondents/claimants, in MAC.A. 204/2020, MAC.A. 225/2020, and MAC.A. 255/2020.

Mr. Khan, learned counsel, submits that 50% of the awarded amounts, passed by the learned Tribunal, referred to, in this Court's order, dated 08.10.2020, 05.11.2020, and 19.10.2020, respectively, in connection with the instant appeals being MAC.A. 204/2020, MAC.A. 225/2020, and MAC.A. 255/2020, respectively, and directed to be deposited before the Registry; have not yet been deposited, till date.

Mr. Goswami, learned counsel, submits that the amounts, in question, shall be deposited before the Registry as early as possible but not later than 3 weeks from today.

In view of the above submission, and as prayed for by the learned counsels appearing for the parties, let all these matters be listed on 22nd of February, 2021.

JUDGE

Comparing Assistant