

GAHC010133802025



undefined

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

Case No. : MACApp./275/2026

THE ORIENTAL INSURANCE CO LTD
A COMPANY REGISTERED UNDER THE COMPANIES ACT, 1956,
REPRESENTED BY ITS REGIONAL MANAGER, ULUBARI, GUWAHATI-7,
DISTRICT- KAMRUP (M), ASSAM

VERSUS

SMTI ASHABOTI ROHIDAS AND ORS
W/O SRI PREM CHANDRA ROHIDAS, R/O VILLAGE- LAHORIJAN, P.S.-
GINGIA, DISTRICT- BISWANATH, ASSAM, PIN CODE- 784184

2:MD SALMAN KHURSHID
S/O GAJIUR RAHMAN R/O VILLAGE- NO. 2
KUMALIA
P.O.- PANIBHARAL
P.S.- BISWANATH CHARALI DISTRICT- BISWANATH
ASSAM
PIN CODE- 784176 (OWNER OF THE OFFENDING VEHICLE BEARING
REGISTRATION NO. AS-12/M5910)

3:SUSHIL THING
S/O LATE BIMAL THING
R/O VILLAGE- GOLIA
P.O.- PANIBHARAL
P.S- BISWANATH CHARALI
DISTRICT- BISWANATH
ASSAM
PIN CODE- 784176 (DRIVER OF THE OFFENDING VEHICLE BEARING
REGISTRATION NO. AS-12/M5910)

Advocate for the Petitioner : SHYAMAL KUMAR GOSWAMI, MS P SARMA,MR. SHYAM
SHARMA

Advocate for the Respondent : ,

**BEFORE
HONOURABLE MRS. JUSTICE YARENJUNGLA LONGKUMER**

ORDER

15/06/2026

The instant appeal under Section 173 of the MV Act has been preferred by the appellant against the judgment and award dated 14.11.2024 passed by the Additional District Judge, Biswanath Chariali, Biswanath in MAC Case No. 41/2018.

2. Heard learned counsel for the appellant, Mr. Shyam Sharma.
3. The ground taken by the appellant herein is that no notice was served to the appellant/insurer thus, the impugned judgment dated 14.11.2024 was passed ex-parte. Another ground taken by the appellant herein is that the appellant company has been directed to pay an interest at 7% from the date of filing of the case within 6(six) weeks from the date of passing the impugned judgment, and if the order is not followed, an additional interest @ 9% per annum was imposed on the awarded amount. Being aggrieved, the appellant is before this Court.
4. Admit the appeal, call for the Records.
5. The appellant shall take steps for service on the respondent Nos. 1,2 & 3 by speed post as well as usual process within 7(seven) days from today.
6. List after 4 (four) weeks.

JUDGE

Comparing Assistant