

GAHC010136652022



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

Case No. : MACApp./721/2022

NATIONAL INSURANCE COMPANY LTD.
REGISTERED HEAD OFFICE AT 3 MIDDLETON STREET, CALCUTTA 700071
REPRESENTED BY THE ASSISTANT MANAGER, GAUhati REGIONAL
OFFICE, BHANGAGARH, GUWAhati 781005
VERSUS

ON THE DEATH OF IKBAL AHMED AND ORS. H
S/O JAMAL UDDIN AHMED, RESIDENT OF VILLAGE DOTURI, DIST
CHIRANG, BTAD, ASSAM, 783390

1.1:JAMAL UDDIN AHMED
FATHER

1.2:JUBEN NESSA AHMED
MOTHER

1.3:DOLI AGARWALA
WIFE

1.4:REHMAN AHMED
SON (MINOR)
ALL ARE RESIDENTS OF VILLAGE DOTURI
P.O. KAWATIKA
DIST. CHIRANG BTAD
ASSAM

2:MAFIDUL ISLAM
S/O ALIF ALI

RESIDENT OF VILLAGE NO. 1 JAMDOHA
PO GERUKABARI
PS MANIKPUR
DIST BONGAIGAON
ASSAM 783390

3:ALTAP HUSSAIN
S/O LATE NOBAB ALI

RESIDENT OF VILLAGE NO. 2 JAMDOHA
PO GERUKABARI
PS MANIKPUR
DIST BONGAIGAON
ASSAM 78339

Advocate for the Petitioner : MS R D MAZUMDAR, MS. C MOZUMDAR,MR. S P SHARMA

Advocate for the Respondent : MR. K R PATGIRI, MR. M KHAN,MS CHITRALEKHA DAS,MS.
U HAZARIKA,MS K BARMAN

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 22.11.2024

Heard Mr. S. P. Sarma, learned counsel for the appellant and Mr. M. Khan learned counsel for the respondent Nos. 1(1),1(2),1(3),1(4) and Ms. K. Barman, learned counsel for the respondent No.2.

This appeal under Section 173 of the Motor vehicles Act, 1988, is directed against the Judgment/award dated 23.07.2021 passed by the Learned Member, MACT, Bongaigaon in MAC Case No. 65/2019.

It is to be noted here that vide impugned Judgment/award dated 23.07.2021 the learned Tribunal has directed the appellant National Insurance Company Ltd to pay a sum of Rs.70,05,480/-.

Perused the memo of appeal and the grounds mentioned therein and also perused the impugned judgement/award dated 23.07.2021.

Appeal is admitted subject to depositing of 50% of the awarded amount before the Registry of this Court

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

However, no formal notice is required to be issued to the respondent Nos. 1(1),1(2),1(3),1(4) and respondent No.2, since Mr. Khan and Ms. K. Barman have entered appearance and received notice, however extra requisite copies of the memo of appeal be furnished to them during the course of the day.

Steps be taken upon the respondent No.3, by Registered post with A/D as well as usual process within a week from today

List the matter after 4 (four) weeks.

JUDGE

Comparing Assistant