

GAHC010136832026



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

Case No. : MFA/74/2026

ORIENTAL INSURANCE COMPANY LTD
A CENTRAL GOVT. UNDERTAKING HAVING ITS REGIONAL OFFICE AT
GUWAHATI, G.S. ROAD, ULUBARI, GUWAHATI - 781 007 REPRESENTED BY
THE REGIONAL MANAGER,GAUHATI REGIONAL OFFICE, ULUBARI,
GUWAHATI 781007

VERSUS

SIRAJUL HAQUE
S/O JURAN ALI, R/O. VILLAGE - BHERALDI, P. O. - BHELLA, P.S. - BARPETA,
DISTRICT - BARPETA, ASSAM. PIN -781309

2:SADDAM JAMADAR
OWNER
S/O SIDDIQUE JAMADAR
R/O. VILLAGE - GALIA
P.O. - GALIA
P.S. - HOWLY
DISTRICT - BARPETA
ASSAM. PIN -78135

Advocate for the Petitioner : Samujjal Pratim Sharma, MS. R D MOZUMDAR,MS. C
MOZUMDAR

Advocate for the Respondent : ,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA
ORDER

14.09.2026

Heard Ms. R D Mozumdar, learned counsel appearing for the appellant.

The appeal is admitted for hearing upon the following 4 (four) substantial questions of law:

- (1) Whether in view that the policy of insurance is a contract and due to violation of the terms of contract by one party the other party can be directed to do its part in a perverse manner?
- (2) Whether in view that neither the doctor nor the workman in their evidence stated that due to the injuries and the resultant disability would incapacitate the claimant in pursuing every employment, the compensation ought to have been assessed under Section 4(1)(d) of the E.C. Act, 1923?
- (3) Whether there is perversity in the judgment of the Commissioner for not considering that no FIR was filed after the accident, which is mandatory, and no own damage claim has been filed?
- (4) Whether in absence of any statutory provision for payment of default interest under the E.C. Act, 1923 the Commissioner can grant default interest?

The appellant shall be at liberty to raise any other substantial questions of law at the time of hearing.

Issue Notice.

Appellant shall take steps for service of notice on the respondents by Speed Post.

Call for the TCR.

List after 4 (four) weeks.

JUDGE

Comparing Assistant