

GAHC010138222024



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

Case No. : MACApp./359/2024

NATIONAL INSURANCE COMPANY LIMITED
HAVING ITS REGISTERED AND HEAD OFFICE AT 3 MIDDLETON STREET,
KOLKATA 700071 AND ONE OF THE REGIONAL OFFICES AT M.S.S. PATH,
BHANGAGARG, GUWAHATI- 781005.

VERSUS

DHANANJAY SARKAR AND 3 ORS.
S/O LATE SARUP SARKAR,
R/O DEBI THAKURBARI SARIAM BANIYAPARA, KUKURJAN, P.S.-
RAJGANJ, DIST.- JALPAIGURI, WEST BENGAL, PIN- 735133.

2:CHANDANA SARKAR
W/O DHANANJAY SARKAR
R/O DEBI THAKURBARI SARIAM BANIYAPARA
KUKURJAN
P.S.- RAJGANJ
DIST.- JALPAIGURI
WEST BENGAL PIN- 735133.

3:HRISHIKESH SARMA
S/O LATE HEM KANTA SARMA
R/O K. AHMED ROAD FAUZDARIPATTY
P.O. AND P.S.- NAGAON SADAR
DIST.- NAGAON ASSAM PIN-782001.

4:IFFCO TOKIO GENERAL INSURANCE COMPANY LIMITED
ADITYA TOWER 1-B 1ST FLOOR
GS ROAD DISPUR GUWAHATI KAMRUP (M)
ASSAM PIN- 781006

Advocate for the Petitioner : MR. A J SAIKIA, M CHETIA

Advocate for the Respondent : FOR CAVEATOR, MS P SARMA,K U AHMED

**BEFORE
HONOURABLE MRS. JUSTICE MARLI VANKUNG**

ORDER

Date : 09.09.2024

Heard Mr. A. J. Saikia, learned counsel for the appellant.

This is an appeal against the judgment and order dated 03.04.2024, passed by the learned Member, MACT, Nagaon in MAC Case No. 192/2021.

Heard the learned counsel for the caveator. Caveat stands discharged.

Learned counsel for the appellant submits that the appeal is on the ground that the appellant is not liable to pay the awarded amount since the vehicle of the appellant was hit by driving another vehicle and therefore they are not liable to pay the awarded amount.

Issue notice, returnable by three weeks.

Mr. K. U. Ahmed, learned counsel accepts notice on behalf of the respondent Nos. 1 & 2.

The petitioner shall take steps for service of notice upon the respondent Nos. 3 & 4 through registered post with A/D as well as through usual process within three days.

List this matter after **3 (three) weeks**.

JUDGE

Comparing Assistant