

GAHC010138222024



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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 BORTHAKUR(R-4),MR. R GOSWAMI (R-4),MS. T KALITA(R-3),MR. R J DAS (R-3),MRS S SAIKIA(R-3),MS P SARMA,K U AHMED

Linked Case : I.A.(Civil)/11/2025

DHANANJAY SARKAR AND ANR
S/O LATE SARUP SARKAR

R/O DEBI THAKURBARI SARIAM BANİYAPARA
KUKURJAN
P.S.- RAJGANJ
DIST.- JALPAIGURI
WEST BENGAL
PIN- 735133.

2: CHANDANA SARKAR
W/O DHANANJAY SARKAR

R/O DEBI THAKURBARI SARIAM BANİYAPARA
KUKURJAN
P.S.- RAJGANJ
DIST.- JALPAIGURI
WEST BENGAL
PIN- 735133.
VERSUS

NATIONAL INSURANCE COMPANY LIMITED AND 2 ORS
- 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.

2: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.

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

Advocate for : K U AHMED
Advocate for : MR. A J SAIKIA appearing for NATIONAL INSURANCE COMPANY
LIMITED AND 2 ORS

Linked Case : I.A.(Civil)/814/2025

NATIONAL INSURANCE COMPANY LTD
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 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 : Shantanu pegu
Advocate for : MR. R GOSWAMI appearing for DHANANJAY SARKAR AND ORS

Linked Case : I.A.(Civil)/2199/2024

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 : MR. A J SAIKIA
Advocate for : FOR CAVEATOR appearing for DHANANJAY SARKAR AND 3
ORS.

**BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG**

ORDER

Date : 09.05.2025

Heard Mr. A.J. Saikia, learned counsel for the appellant. Also heard Mr. K.U. Ahmed, learned counsel for the respondent No. 1 and Ms. M. Saikia, learned counsel for the respondent Nos. 2 and 3.

Trial Court records have been received.

As prayed for by the learned counsel for the parties, list the matter on **12.06.2025.**

JUDGE

Comparing Assistant