

GAHC010142552026



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

Case No. : MACApp./371/2026

CHOLAMANDALAM MS GENERAL INSURANCE CO LTD
HAVING ITS BRANCH OFFICE AT AASTHA PLAZA, OPPOSITE OF S.
DEORAH COLLEGE, 4TH FLOOR, BORA SERVICE, GUWAHATI, DISTRICT
KAMRUP M, ASSAM REPRESENTED BY ITS DEPUTY MANAGER, MR.
SABIR AHMED CHOUDHURY

VERSUS

NABAMI BASUMATARY AND 5 ORS.
W/O LATE GULAP BASUMATARY @ GULAP RABASUMATARY

2:SRI UMAKANTA BASUMATARY
S/O LATE GULAP BASUMATARY @ GULAP RABASUMATARY

3:SRI BANA BASUMATARY
S/O LATE GULAP BASUMATARY @ GULAP RABASUMATARY

4:SRI SUNIBALA BASUMATARY
D/O LATE GULAP BASUMATARY @ GULAP RABASUMATARY
ALL ARE PERMANENT RESIDENTS OF VILLAGE- AKHA BADALPUR
P.O.- RAMDHAN DIKHARI
P.S.-CHENGAJAN DIST.-DHEMAJI
ASSAM
PIN-787060 CLAIMANTS

5:HAMIDUL MOLLAH
S/O. MANIRUDDIN
R/O C/O -S. ALI
S/O - AYNAL KALGACHIA
BARPETA
DISTRICT-BARPETA
ASSAM

PIN-781319
OWNER OF THE VEHICLE BEARING REGN. NO.- AS-15/F-7529 M/CYCLE

6:MOSTAFIZUR ROHMAN
S/O. MONIRUDDIN MOLLAH
R/O VILLAGE-CHIRAKUTI
P.O.AND P.S. -FAKIRGANJ DIST.-DHUBRI
ASSAM
PIN-783330 DRIVER OF THE VEHICLE BEARING REGN. NO.- AS-15/F-7529
M/CYCL

Advocate for the Petitioner : MR. A BHATTACHARYYA, MR N BARMAN

Advocate for the Respondent : ,

BEFORE
HONOURABLE MRS. JUSTICE YARENJUNGLA LONGKUMER

ORDER

Date : 07.08.2026

Learned counsel Mr. A Bhattacharyya is present for the appellant.

2. The instant appeal u/s 173 of the M.V. Act has been preferred by the appellant assailing the impugned judgment & award dated 06.04.2026 passed by MACT No. 2, Kamrup (M), Guwahati in MAC Case No. 1216/2022.

3. The appellant has preferred this appeal mainly on the ground that the Tribunal calculated age of the deceased as per the post-mortem report. However, the death certificate reveals that the age of the deceased was 58 years at the time of death and further in the oral evidence also it was revealed that the age of the deceased was 57 years 6 months and 5 days on the date of the accident. However, the Tribunal has wrongly taken the age of the deceased as 49 years. On holding the age as 49, all the awards under other heads have been calculated wrongly by the learned Tribunal. Being aggrieved the appellant is before this Court.

- 4.** The appeal is admitted.
- 5.** Call for the records.
- 6.** The appellant shall take steps for service on the respondents by speed post as well as usual process within 3 (three) working days from today.
- 7.** List the matter after 4 (four) weeks.

JUDGE

Comparing Assistant