

GAHC010147922025



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

**Case No. : MACApp./423/2026**

TATA AIG GENERAL INSURANCE COMPANY LIMITED  
BRANCH OFFICE AT 3RD FLOOR MAYUR GARDEN OPP HDFC BANK G S  
ROAD GHY-781005, ASSAM

VERSUS

MD AKKASH ALI ALIAS @AKASH ALI  
S/O. MD. NURUL HOQUE, R/O VILL SIVASTHAN (GARUMUR NO 1), P/S.  
SAMAGURI, PIN-782140, DIST. NAGAON, ASSAM.

2:MD. ASHADUL HOQUE  
S/O. AKKASH ALI  
R/O. GARUMARA GAON  
P/S. SAMAGURI  
PIN-782140  
DIST. NAGAON  
ASSAM.

3:MD SOHIDUL ISLAM  
S/O -MD. ABDUL HUSSAIN  
R/O KHALIHAMARI  
PS SAMAGURI  
PIN-782140  
NAGAON  
ASSA

**Advocate for the Petitioner : ALOK KUMAR BHATTACHARYYA, MR. K K BHATTA**

**Advocate for the Respondent : MR D MONDAL,**

BEFORE

**HONOURABLE MRS. JUSTICE YARENJUNGLA LONGKUMAR**

ORDER

**14.09.2026**

- 1.** The instant appeal under Section 173 of the Motor Vehicle Act, has been preferred by the appellant/ Insurance Company against the judgment and award dated 11.07.2024 passed by the learned MACT, Nagaon in MAC Case No. 66/2020.
- 2.** Heard learned counsel Mr. KK Bhatta, the learned counsel for the appellant.
- 3.** The instant appeal has been filed mainly on the ground that the claimant/ respondent was traveling as a pillion rider on a motorcycle owned and driven by his own son, who is the insured under the policy and therefore, in such a case, the claimant could not have been treated as a third party and no statutory liability can be attributed to the insurer.
- 4.** Admit the appeal. Call for the records from the learned MACT, Nagaon.
- 5.** Learned counsel Mr. D. Mondal enters appearance for respondent No. 1.
- 6.** Issue notice to the respondent Nos. 2 and 3.
- 7.** The appellant shall take steps for service on the respondent Nos. 2 and 3 by speed post as well as usual process within seven days from today.

**8.** List the matter after four weeks.

**JUDGE**

**Comparing Assistant**