

GAHC010154672019



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

Case No. : MACApp./568/2024

RELIANCE GENERAL INSURANCE CO. LTD.
HAVING ITS REGISTERED OFFICE AT 19, RELIANCE CENTRE, WALCHAND
HIRACHAND MARG, BALLARD ESTATE, MUMBAI- 400001 AND ONE OF ITS
BRANCH OFFICE AT 5TH FLOOR, PRAG PLAZA, GUWAHATI- 781005.

VERSUS

MUSST KALPANA BEGUM AND 6 ORS
W/O- LATE AYAZUL ISLAM

2:MUSTT. NUWARUN NESSA
W/O- MD. RAKIB ALI

3:MISS SANIA TAPASHU
D/O- AYAZUL ISLAM

4:MD. ADIL AKHTAR
S/O- AYAZUL ISLAM
ALL ARE RESIDENT OF KIRTAN GHAR ROAD
FAUZADARIPATTY
P.O.
P.S. AND DIST.- NAGAON
ASSAM
PIN- 782001.

5:MRS. SAMIMA YASMIN
S/O- MD. ABDUL KALAM AZAD
R/O- VILL.- DHINGBORI
P.S. JURIA
DIST.- NAGAON
ASSAM- 782124

Advocate for the Petitioner : MR. K K BHATTA, MR J JOHN,MS JONA TALUKDAR

Advocate for the Respondent : MR. K K DUTTA,

Linked Case : I.A.(Civil)/3335/2024

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Advocate for : MR. K K BHATTA
Advocate for : appearing for MUSST KALPANA BEGUM AND 6 ORS

Linked Case : I.A.(Civil)/3182/2019

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Advocate for : MR. K K BHATTA
Advocate for : MR. K K DUTTA(R-1
3) appearing for MUSTT. KALPANA BEGUM AND 6 ORS.

**BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG**

ORDER

Date : 06.12.2024

Heard Mr. K.K. Bhatta, learned counsel for the appellant and Mr. K.K. Dutta, learned counsel for the respondent Nos. 1 to 5.

This is an application filed under Section 173 of the Motor Vehicle Act, 1988, the appellant has challenged the impugned judgment and award dated 30.08.2016, passed by the learned Member, Motor Accident Claims Tribunal, Nagaon, Assam in MAC Case No. 532/2011.

The appeal is admitted.

Call for the relevant trial court record.

Issue notice to the respondent No. 6.

The appellant shall take steps for service of notice upon the respondent No. 6 by registered post with A/D as well as usual process, returnable within 4 weeks from today.

Mr. KK Dutta, learned counsel for the respondent Nos. 1 to 5 submits that the respondent No. 2 Musstt. Nuwarun Nessa expired on 13.10.2016 before filing of this appeal, therefore her name may be struck off from the cause title.

Mr. K.K. Bhatta, learned counsel for the appellant has also submitted that the respondent No. 7, Md. Abdul Kalam is driver of the vehicle and he is not a necessary party in this appeal and therefore prays that his name may be struck off from the cause title for proper adjudication of this case.

In view of the above, the names of respondent Nos. 2 and 7 be struck off from the array of the respondents in the title at the risk of the appellant.

The Registry shall do the needful.

Stay petition may be taken up for consideration on receipt of the trial court record.

List the matter after 4 (four) weeks.

JUDGE

Comparing Assistant