

GAHC010224572018



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

Case No. : I.A.(Civil) 3627/2018

1:ORIENTAL INSURANCE COMPANY LIMITED
A CO. REGISTERED AND INCORPORATED UNDER THE COMPANIES ACT,
1956 HAVING ITS REGISTERED OFFICE AT ORIENTAL HOUSE, A 25/27 ASAF
ALI ROAD, NEW DELHI-2 WITH ONE OF ITS REGIONAL OFFICE AT G.S.
ROAD, ULUBARI, GUWAHATI-7, REPRESENTED BY ITS REGIONAL
MANAGER.

VERSUS

1:SMTI PONITA THAOSEN AND 6 ORS
W/O LATE BIPULDAO THAOSEN, PRESENTLY RESIDING AT R/O VILL.
CHAKITUPU, P.O. CHOTO HAIBOR, P.S. SADAR, DIST. NAGAON, ASSAM,
THE PERMANENT ADD. R/O VILL. THAIJUWARI, P.O. THAIJUWARI, P.S.
DIYUNG Mukh, DIST. DIMA HASAO, N.C. HILL. ASSAM, PIN 788819

2:SRI HIMSIRINGDAO THAOSEN
S/O LATE BIPULDAO THAOSEN
PRESENTLY RESIDING AT R/O VILL. CHAKITUPU
P.O. CHOTO HAIBOR
P.S. SADAR
DIST. NAGAON
ASSAM
THE PERMANENT ADD. R/O VILL. THAIJUWARI
P.O. THAIJUWARI
P.S. DIYUNG Mukh
DIST. DIMA HASAO
N.C. HILL. ASSAM
PIN 788819

3:SRI SMAORING THAOSEN
S/O LATE BIPULDAO THAOSEN
PRESENTLY RESIDING AT R/O VILL. CHAKITUPU
P.O. CHOTO HAIBOR

P.S. SADAR
DIST. NAGAON
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P.O. THAIJUWARI
P.S. DIYUNGAMUKH
DIST. DIMA HASAO
N.C. HILL. ASSAM
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4:SRI BIBESAN THAOSEN
S/O LATE BIPULDAO THAOSEN
PRESENTLY RESIDING AT R/O VILL. CHAKITUPU
P.O. CHOTO HAIBOR
P.S. SADAR
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5:SRI WELSON THAOSEN
S/O LATE BIPULDAO THAOSEN
PRESENTLY RESIDING AT R/O VILL. CHAKITUPU
P.O. CHOTO HAIBOR
P.S. SADAR
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DIST. DIMA HASAO
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6:SRI PHORENDRA JIDUNG
S/O SRI PANDARAM JIDUNG
R/O VILL. THAIJUPANG
P.O. THAIJUPANG
P.S. DIHANGI
DIST. DIMA HASAO
N.C. HILLS

ASSAM
PIN 788819

7:SRI PORIMAN JIDUNG
S/O SRI PORENDRA JIDUNG
R/O VILL. THAIJUPANG
P.O. THAIJUPANG
P.S. DIHANGI
DIST. DIMA HASAO
N.C. HILL.
ASSAM
PIN 78881

Advocate for the Petitioner : MR. R C PAUL

Advocate for the Respondent : MR A ALI (R1)

Linked Case : MACApp. 898/2018

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A CO. REGISTERED AND INCORPORATED UNDER THE COMPANIES ACT
1956 HAVING ITS REGISTERED OFFICE AT ORIENTAL HOUSE
A 25/27 ASAF ALI ROAD
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Advocate for the Petitioner : MR. R C PAUL
Advocate for the Respondent :

BEFORE

HON'BLE MR. JUSTICE MICHAEL ZOTHANKHUMA

23.10.2019

Heard Mr. R.C. Paul, learned counsel for the appellant who submits that the impugned Judgment dated 27.03.2018 passed by the MACT, Nagaon in MAC Case No. 62/2016 should be interfered with, inasmuch as the claimants/respondent No. 1 had not impleaded the owner and driver of the of the motorcycle in the claim petition, even though there was head on collision between the motorcycle and the Tata Sumo.

Mr. R.C. Paul also prays that the respondent Nos. 2 and 3, who are the owner

and the driver of the Tata Sumo, may be struck off as parties from the appeal, as they are not necessary to adjudicate the issue raised in this appeal.

Admit the appeal. Call for the LCR.

Mr. A. Ali, accepts notice on behalf of the respondent Nos. 1 (a) to 1(e).

The prayer of the appellant's counsel is allowed.

The respondent Nos. 2 and 3 are struck off as parties from the appeal, at the risk of the appellant.

List this matter again after 4(four) weeks.

JUDGE

Comparing Assistant