

GAHC010175052025



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

Case No. : MACApp./462/2025

THE NEW INDIA ASSURANCE CO LTD
HAVING ITS REGISTERED OFFICE AT NEW ASSURANCE BUILDING 87,
MAHATMA GANDHI ROAD, FORT, MUMBAI-400001, AND ONE OF THE
REGIONAL OFFICES AT STAR CITY COMPLEX, 5TH FLOOR, M.S.S. PATH,
LACHIT NAGAR, GUWAHATI-781005 AND VARIOUS DIVISIONAL BRANCH
AND MICRO OFFICES THROUGHOUT THE COUNTRY

VERSUS

BINOTA SANGMA AND ORS
W/O. LT. JITEN SANGMA

2:SILJEING D. SANGMA
S/O. LT. JITEN SANGMA

3:PRIM ROSE D. SANGMA
S/O. LT. JITEN SANGMA

4:PRINGCHE D. SANGMA
D/O. LT. JITEN SANGMA
ALL ARE R/O. VILL.- RENGTHAMA NO. 10
BAITHALANGSU
P/S. BAITHALANGSU
DIST. WEST KARBI ANGLONG
ASSAM
PIN-782450.

OPPOSITE PARTIES NO. 1 WILL REP. THE OPPOSITE PARTIES NO. 2

3

4 BEING MOTHER AND NATURAL GUARDIAN.

5:IMDAD ALI
S/O. LT. MAIJAN ALI

R/O. VILL.- BORIGAON
P/O. DANDUA
P/S. MORIGAON
DIST. MORIGAON
ASSAM
PIN-782104.

6:AJIT KRO
S/O. LT. POBAN KRO
R/O. VILL.- AMGURI
P/S. BAITHALANGSU
DIST. WEST KARBI ANGLONG
ASSAM
PIN-78241

Advocate for the Petitioner : Shantanu pegu, MR. A J SAIKIA, M CHETIA

Advocate for the Respondent : ,

BEFORE
HONOURABLE MRS. JUSTICE YARENJUNGLA LONGKUMER

ORDER

Date : 08.12.2025

This appeal under Section 173 of the Motor Vehicle Act, 1988 has been filed challenging the judgment and award dated 04.03.2025 passed by the learned Member, MACT Morigaon in MAC Case No.53/2017.

Heard the learned counsel for the appellant Mr. A.J. Saikia.

The main ground taken by the appellant in filing the present appeal is that the G.D. entry as well as the FIR did not reflect the number of the alleged offending vehicle. However, the learned Tribunal came to the conclusion that the vehicle No.AS-21/A-1213 was the offending vehicle and passed the impugned judgment. Another ground taken by the appellant is that learned Tribunal had also erred in taking the alleged income tax return of the victim allegedly filed after his death and in view of the fact that no

income tax return were exhibited to prove that the victim had income during his lifetime.

Appeal is admitted for hearing. Call for the Trial Court Record from the Court of learned Member, MACT Morigaon.

The learned counsel for the appellant shall take steps for service on the respondents by usual process within one week from today.

List the matter after **6(six)** weeks.

JUDGE

Comparing Assistant