

GAHC010184242024



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

Case No. : CRP(IO)/344/2024

BAJAJ ALLIANZ GENERAL INSURANCE COMPANY LIMITED
HAVING ITS REGISTERED AND HEAD OFFICE AT GE PLAZA, AIRPORT
ROAD, YERWADA, PUNE-411006, MAHARASHTRA AND ITS BRANCH
OFFICE AT 2ND FLOOR, SREEJI TOWER, ADJACENT TO MAHINDRA
SHOWROOM, CHRISTIAN BASTI, G.S. ROAD, GUWAHATI-781006,
REPRESENTED BY ITS EXECUTIVE LEGAL OFFICER.

VERSUS

MUSSTT. MAHMUDA KHATUN AND 2 ORS
W/O- MD. GAFUR ALI, R/O- VILL.- HARAPATI, P.O. HERAPATI, P.S. SADAR,
DIST. NAGAON, ASSAM, PIN- 782002.

2:JIABUR RAHMAN
S/O- ABDUL KUDDUS
R/O- VILL.- ITAPARA
NEAR MASJID
P.O. ITAPARA
P.S. SADAR
DIST. NAGAON
ASSAM
PIN- 782002.

3:MUSTT. RUJIMA KHATUN
W/O- MD. ALAL UDDIN
R/O- VILL.- CHOTARUPAHI
P.O. CHOTARUPAHI
P.S. SADAR
DIST. NAGAON
ASSAM
PIN- 782002

Advocate for the Petitioner : MR T KALITA, MR. A KAKATI

Advocate for the Respondent :

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN**

ORDER

Date : 25.09.2024

Heard Mr. T. Kalita, learned counsel for the petitioner.

In this petition, the petitioner, Bajaj Allianz General Insurance Company Limited has put to challenge the correctness or otherwise of the order dated 21.03.2024, passed by the learned Member, MACT, Nagaon.

It is to be noted here that vide impugned order dated 21.03.2024, the learned Member, MACT, Nagaon has condoned the delay of filing the claim petition before it.

Mr. Kalita, learned counsel for the petitioner submits that in the new MV Act, there is no provision of condonation of delay for filing claim petition and as such, the impugned order dated 21.03.2024, suffers from illegality and impropriety and therefore, Mr. Kalita has contended to set aside the same.

Having heard the submission of Mr. Kalita, learned counsel for the petitioner, it is provided that Mr. Kalita shall produce a copy of the FIR lodged with the Nagaon P.S., based on which Nagaon P.S. Case No. 1360/2022, under Sections 279/338/337, IPC was registered and to apprise this Court as to whether any accident information report was prepared and forwarded to the learned Member, MACT, Nagaon or not.

List the matter on 01.10.2024.

JUDGE

Comparing Assistant