

GAHC010199632012



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

Case No. : MACApp. 115/2012

1:SANJAY JAIN AND ORS

2: RAJESH JAIN
BOTH ARE SONS OF LATE SAGAR MAL JAIN

3: SMTI NIRMALA DEVI JAIN
W/O SHRI SAMPAT LAL JAIN

4: SMTI SUMAN DEVI JAIN
W/O SRI DILIP JAIN
R/O P.O. SILCHAR
DIST. CACHAR
ASSAM.

5: SMTI KUSUM DEVI JAIN
WIDOW OF LATE PAWAN JAIN

6: BIPLAV JAIN
S/O LATE PAWAN JAIN

7: SMTI AMRITA JAIN
D/O LATE PAWAN JAIN
SR. NOS. 1A
1 B and 1 C ARE THE RESIDENTS OF PALTANBAZAR
GUWAHATI-781008
P.S. PALTANBAZAR
DIST. KAMRUP METRO
ASSAM
SR. NOS. 2 TO 4 HEREIN ARE RESIDENTS OF ATHGAON

GUWAHATI-781008
DIST. KAMRUP METRO
ASSAM

VERSUS

1:NOOR MOHAMMAD ALI AND ORS
S/O LATE MAFIZUDDIN AHMED, R/O BAMUNBARI, P.O. PACHARIA HAJO,
DIST. KAMRUP, ASSAM, OWNER OF BUS NO. AS-25B-9993

2:THE NEW INDIA ASSURANCE CO. LTD.
G.S. ROAD
ULUBARI
GUWAHATI-781007
HAVING ONE OF ITS N.E.R.O. G.S. ROAD
BHANGAGARH
GUWAHATI-781005
INSURER OF BUS NO. AS-25B-9993

3:THE ORIENTAL INSURANCE CO.LTD.
CHRISTIAN BASTI
GUWAHATI-781005
HAVING ONE OF ITS REGIONAL OFFICE G.S. ROAD
ULUBARI
P.O. ULUBARI
GUWAHATI-781007 INSURER OF SCOOTER NO. AS-01G-6315 LMLNV

4:MD. HASAN ALI
S/O MD. KHUDRA ALI
VILL. SURADI
P.S. BARMAN
DIST. NALBARI
ASSAM DRIVER OF THE BUS NO. AS-25B-9993

5:SHYAM RATAN PODDAR
S/O LATE HANUMAN PRASAD PODDAR
C/O M/S APNA TRUCK FACTORY
S.J. ROAD
ATHGAON
GUWAHATI
DIST. KAMRUP METRO
ASSAM
OWNER OF THE SCOOTER NO. AS-01/G-6315 LML NV

6:SURAJ SINGHANIA
S/O CHAND RAM SINGHANIA
R/O FANCY BAZAR
GUWAHATI-781001

P.S. PANBAZAR
DIST. KAMRUP METRO
ASSAM
P/AC/O M/S APNA TRUCK FACTORY
S.J. ROAD
ATHGAON
GUWAHATI RIDER OF THE SCOOTER NO. AS-01/G-6315 LML N

Advocate for the Petitioner : MS.P C B NAIR

Advocate for the Respondent : MR.I ALAM

Linked Case : MC 831/2014

1:ORIENTAL INSURANCE CO LTD
HAVING ITS REGISTERED OFFICE AT ORIENTAL HOUSE
A 25/27
ASAF ALI ROAD
NEW DELHI 110002 AND REGIONAL OFFICE AT GUWAHATI-7
REPRESENTED BY THE REGIONAL MANAGER.

VERSUS

1:SANJOY JAIN and ORS
S/O LATE SAGAR MAL JAIN

2:RAJESH JAIN
S/O LATE SAGAR MAL JAIN

3:SMT. NIRMALA DEVI JAIN
W/O SRI SAMPAT LAL JAIN
ALL THE ABOVENAMED ARE RESIDENTS OF PALTAN BAZAR
GUWAHATI 781008
DIST. KAMRUP
ASSAM.

4:SMT. SUMAN DEVI JAIN
W/O SRI DILIP JAIN
R/O P.O. SILCHAR
DIST. CACHAR
ASSAM.

5:SMT. KUSUM DEVI JAIN
W/O LATE PAWAN JAIN

6:BIPLAV JAIN
S/O LATE PAWAN JAIN

7:SMT. AMRITA JAIN
D/O LATE PAWAN JAIN
ALL TEH ABOVENAMED ARE RESIDENTS OF ATHGAON
GUWAHATI 781008
DIST. KAMRUP
ASSAM.

8:MD. NOOR MOHAMMAD ALI
S/O LATE MAFIZUDDN AHMED
R/O BAMUNBARI
P.O.PACHARIA HAJO
DIST. KAMRUP
ASSAM
OWNER OF BUS NO. AS-25B-9993

9:THE NEW INDIA ASSURANCE CO. LTD.
REGIONAL OFFICE G.S. ROAD
GUWAHATI-5
KAMRUP
ASSAM
REPRESENTED BY ITS CHIEF REGIONAL MANAGER INSURER OF BUS NO.
AS-25B-9993

10:MD. HASAN ALI
S/O MD. KHUDRA ALI
VILL. SURADI
P.S. BARMAH
DIST. NALBARI
ASSAM DRIVER OF BUS NO. AS-25B-9993

11:SHYAM RATAN PODDAR
S/O LATE HANUMAN PRASAD PODDAR
C/O M/S APNA TRUCK FACTORY
S.J. ROAD
ATHGAON
GUWAHATI-8
DIST. KAMRUP
ASSAM OWNER OF SCOOTER NO. AS-01/G-6315

12:SURAJ SINGHANIA
S/O CHAND RATAN SINGHANIA
R/O FANCY BAZAR

GUWAHATI 781001
P.S. PANBAZAR
DIST. KAMRUP
ASSAM RIDER OF SCOOTER NO. AS-01/G-6315

Advocate for the Petitioner : MS.M CHOUDHURY
Advocate for the Respondent :

Linked Case : MACApp. 84/2014

1:ORIENTAL INSURANCE CO LTD
HAVING ITS REGISTERED OFFICE AT ORIENTAL HOUSE
A 25/27
ASAF ALI ROAD
NEW DELHI 110002 AND REGIONAL OFFICE AT GUWAHATI-7
REPRESENTED BY THE REGIONAL MANAGER.

VERSUS

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S/O LATE SAGAR MAL JAIN

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OWNER OF BUS NO. AS-25B-9993

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GUWAHATI 781001
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DIST. KAMRUP
ASSAM RIDER OF SCOOTER NO. AS-01/G-6315

Advocate for the Petitioner : MR.D CHAKRABORTY
Advocate for the Respondent : MR.G J SHARMAN-11 and 12

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

Date : 21-01-2020

Mr. B.K. Jain appears for the appellant. Mr. S. Dutta appears for respondent No. 3 and Mr. R. Goswami appears for respondent No. 9.

As per the last Order dated 07.01.2020, this case was to be listed alongwith Review Petition Sl. No. 9612/2019. However, the review petition has not been listed today alongwith this case.

Accordingly, list this matter alongwith Review Petition Sl. No. 9612/2019 on 05.02.2020.

The case has to, accordingly, be listed against the concerned Court which passed the order against which the review petition has been filed i.e., before the Hon'ble Justice Mr. S.K. Medhi.

JUDGE

Comparing Assistant