

GAHC010245912024



undefined

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

Case No. : MFA/69/2026

ORIENTAL INSURANCE COMPANY LTD
(A CENTRAL GOVT. UNDERTAKING) HAVING ITS REGIONAL OFFICE AT
GUWAHATI, G.S. ROAD, ULUBARI, GUWAHATI-781007 REPRESENTED BY
THE DEPUTY MANAGER, GAUHATI REGIONAL OFFICE, ULUBARI,
GUWAHATI-781007

VERSUS

MANOWAR HUSSAIN AND ANR
S/O NUR ALI, R/O VILL- BAGODI, P.O.- BAGODI, P.S.- BARPETA, DIST-
BARPETA, ASSAM, PIN- 781311

2:SELIM ALI
S/O KALIM UDDIN
AMJIABA BEGUM
R/O B/L-II
JALUKBARI
GUWAHATI
P.O.- JALUKBARI
DIST- KAMRUP (M)
ASSAM
PIN- 78101

Advocate for the Petitioner : MS. C MOZUMDAR, MS. C MOZUMDAR,MR. S P SHARMA

Advocate for the Respondent : ,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA
ORDER

14.09.2026

Heard Ms. R D Mozumdar, learned counsel appearing for the appellant.

The appeal is admitted for hearing upon the following 4 (four) substantial questions of law:

- (1) Whether in view that neither the doctor nor the workman in their evidence stated that due to the injuries and the resultant disability would incapacitate the claimant in pursuing every employment, the compensation ought to have been assessed under Section 4(1)(d) of the E.C. Act, 1923?
- (2) Whether ignoring the statutory provisions of the E.C. Act, 1923/W.C. Act, 1923, the Commissioner can assess the loss of earning capacity?
- (3) Whether in view that no FIR was filed after the accident, which is mandatory, and no own damage claim has been filed, the petitions can be considered as genuine?
- (4) Whether in absence of any statutory provision for payment of default interest under the E.C. Act, 1923 the Commissioner can grant default interest?

The appellant shall be at liberty to raise any other substantial questions of law at the time of hearing.

Issue Notice.

Appellant shall take steps for service of notice on the respondents by Speed Post.

Call for the TCR.

List after 4 (four) weeks.

JUDGE

Comparing Assistant