

GAHC010252122024



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

Case No. : MACApp./15/2025

THE NATIONAL INSURANCE COMPANY LTD
HAVING ITS REGISTERED OFFICE AT 3 MIDDLETON STREET, KOLKATA
700071 AND REGIONAL OFFICE AT GS ROAD, BHANGAGARH, GUWAHATI
5, REPRESENTED BY ITS REGIONAL MANAGER, REGIONAL OFFICE,
GUWAHATI

VERSUS

SABITRI KONWAR AND 3 ORS
W/O SUSHIL KONWAR, RESIDENT OF VILLAGE PUB BALIGAON, PO AND
PS GOGAMUKH, DIST DHEMAJI, ASSAM 787034

2:SRI KULIN KONWAR
S/O SUSHIL KONWAR
RESIDENT OF VILLAGE PUB BALIGAON
PO AND PS GOGAMUKH
DIST DHEMAJI
ASSAM 787034

3:SRI GOBINDA SARKAR
S/O TARAPADA SARKAR
RESIDENT OF BARA SIMILUGURI
GHOKSADANGA
KOCH BIHAR
WEST BENGAL 736171

4:RELIANCE GENERAL INSURANCE CO. LTD.
5TH FLOOR
PRAG PLAZA
GS ROAD
BHANGAGARH GUWAHATI 0

Linked Case : I.A.(Civil)/409/2025

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KOLKATA 700071 AND REGIONAL OFFICE AT GS ROAD
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For the appellant (s) : Mr. P. J. Barman, Advocate

For the respondent (s) : XXXX

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

12.03.2025

Heard Mr. P. J. Barman, the learned counsel appearing on
behalf of the appellant.

2. This is an Appeal filed under Section 173 of the Motor Vehicles Act, 1988 challenging the judgment and award dated 17.09.2024 passed by the learned Member, MACT, Lakhimpur in MAC Case No.13/2022.

3. The learned counsel appearing on behalf of the appellant submitted that the salary certificate on the basis of which the learned Tribunal had come to an opinion that the monthly income of the deceased was Rs.30,719/- having not been proved, the learned Tribunal erred in law in arriving at the quantum so awarded in favour of the claimants.

4. Taking into account the above, the Appeal is admitted.

5. Call for the record(s).

6. Steps be taken upon the respondent by way of registered post with A/D as well as through usual process within 2 (two) days.

JUDGE

Comparing Assistant