

GAHC010259252019



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

Case No. : MACApp./739/2022

UNITED INDIA INSURANCE COMPANY LIMITED
HAVING ITS REGISTERED OFFICE AT 24, WHITES ROAD, CHENNAI-600014
REPRESENTED BY ITS REGIONAL OFFICE, G.S. ROAD, GUWAHATI-5

VERSUS

SRI PADAM CHAND JAIN AND 5 ORS
S/O SRI DHARAM CHAND JAIN, R/O HOTEL RELAX BUILDING, 2ND
FLOOR, SRCB ROAD, FANCY BAZAR, GUWAHATI, P.S.-PANBAZAR, DIST-
KAMRUP (M), ASSAM, PIN-781001, P/R/A C/O NEHA APARTMENT, BLOCK
7B, 6TH FLOOR, ATHGAON, GUWAHATI, PIN-781001

2:SMT. VAISHALI JAIN
D/O SRI PADAM CHAND JAIN
R/O HOTEL RELAX BUILDING
2ND FLOOR
SRCB ROAD
FANCY BAZAR
GUWAHATI
P.S.-PANBAZAR
DIST-KAMRUP (M)
ASSAM
PIN-781001
P/R/A C/O NEHA APARTMENT
BLOCK 7B
6TH FLOOR
ATHGAON
GUWAHATI
PIN-781001

3:RISHAB PHUKAN
S/O LATE JITEN PHUKAN

C/O S. PHUKAN
ANUBHAV APARTMENT
FLAT NO
006
BELTOLA
BASISTHAPUR
GUWAHATI
DIST-KAMRUP (M)
ASSAM
PIN-781029

4:RITU GOGOI
S/O BISWA GOGOI
R/O VILL-GOURISAGAR
BUS GAON
DIST-SIBSAGAR
ASSAM
PIN-

5:MRS. RANJITA SARMA
W/O MAHESH SHARMA
R/O 4TH FLOOR
VISHNU MARKET
AT ROAD
NEAR RAILWAY GATE NO. 5
GUWAHATI
DIST-KAMRUP(M)
ASSAM
PIN-781001

6:M/S BAJAJ ALLIANZ INSURANCE CO. LTD.
REGISTERED AND HEAD OFFICE AT GE PLAZA
AIRPORT ROAD
YERWADA
PUNE
PIN-411006 AND HAVING ONE OF ITS GUWAHATI ZONE (B) OFFICE AT-
CENTRE POINT
2B
2ND FLOOR
NH CENTRE POINT
OPPOSITE TO BORA SERVICE STATION
G.S. ROAD
ULUBARI
GUWAHATI-78100

Advocate for the Petitioner : MR. S S SARMA

Advocate for the Respondent : MR. B K JAIN

BEFORE
HON'BLE MRS. JUSTICE MALASRI NANDI
ORDER

30.09.2022

Heard Mr H Buragohain, learned counsel for the appellant/Insurance Company and Mr B K Jain, learned counsel for the respondent Nos. 1 and 2

The appellant/Insurance Company has preferred the appeal under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Award dated 24.04.2019, passed by the learned member, MACT No. 3, Kamrup(M), in MAC Case No. 673/2016.

The appeal is admitted for hearing.

As the learned counsel for the respondent Nos. 1 and 2 has entered his appearance, no formal notice is necessary.

However, requisite extra copies of the petition be furnished to the learned counsel for the respondent Nos. 1 and 2.

Issue notice to the respondent Nos. 3, 4, 5 and 6, by registered post with A/D as well as by usual process, returnable within 4 (four) weeks.

Learned counsel for the appellant, further submits that the driver had no valid driving licence at the relevant time of accident, but this fact was not mentioned in the memo of appeal and as such, he wants to file an affidavit to that extent.

Prayer is allowed.

List the matter accordingly, after 4 (four) weeks.

Call for the LCR.

JUDGE

Comparing Assistant