

GAHC010259332019



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

**Case No. : MACApp./572/2022**

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

SHRI PADAM CHAND JAIN AND 5 ORS  
S/O SRI DHARAM CHAND JAIN, RESIDENT OF HOTEL RELAX BUILDING,  
2ND FLOOR, SRCB ROAD, FANCY BAZAR, GUWAHATI, P.S. PANBAZAR,  
DIST. KAMRUP(M), ASSAM, PIN 781001 PRESENTLY RESIDING AT C/O  
NEHA APARTMENT, BLOCK 7B, 6TH FLOOR, ATHGAON, GUWAHATI, PIN  
781001, MOBILE 7670006501

2:SMT. VAISHALI JAIN  
D/O SRI PADAM CHAND JAIN  
RESIDENT OF HOTEL RELAX BUILDING  
2ND FLOOR  
SRCB ROAD  
FANCY BAZAR  
GUWAHATI  
P.S. PANBAZAR  
DIST. KAMRUP(M)  
ASSAM  
PIN 781001  
PRESENTLY RESIDING AT C/O NEHA APARTMENT  
BLOCK 7B  
6TH FLOOR  
ATHGAON  
GUWAHATI  
PIN 781001  
MOBILE 7670006501

3:SRI 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  
MOBILE 9435051900  
OWNER OF VEHICLE NO. AS-01-FC-6100(BUS)

4:SRI RITU GOGOI  
S/O BISWA GOGOI  
R/O VILLAGE GOURISAGAR  
BUS GAON  
DIST. SIBSAGAR  
ASSAM  
DRIVER OF VEHICLE NO. AS-01-FC-6100(BUS)

5:MRS. RANJITA SARMA  
W/O MAHESH SARMA  
R/O 4TH FLOOR  
VISHNU MARKET  
AT ROAD  
NEAR RAILWAY GATE NO.5  
GUWAHATI  
DISTRICT KAMRUP(M)  
ASSAM  
PIN 781001  
MOBILE NO. 9435191566  
OWNER OF VEHICLE NO. AS-01-AX-1133 (NISSAN CAR)

6:M/S BAJAJ ALLIANZ GENERAL 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-781007  
INSURER OF VEHICLE NO. AS-01-AX-1133 (NISSAN CAR)

**Advocate for the Petitioner** : MR S S SHARMA, MS L SHARMA,MR. S K SANGANERIA,MR. B J MUKHERJEE,MR H BURAGOHAIN

**Advocate for the Respondent** : MR. S K JAIN, MS. T. PAIT (r-3),MR. D BARUAH (r-3),MR. B K JAIN,MS. P C BARNALI NAIR

**BEFORE  
HONOURABLE MR. JUSTICE BUDI HABUNG**

**ORDER**

**29.08.2025**

Heard Ms. L. Sharma, learned counsel for the appellant. Also heard Mr. B. K. Jain, learned counsel for respondent Nos. 1 and 2.

This appeal under Section 173 of Motor Vehicles Act, 1988 filed by the appellant challenging the judgment and award dated 24.04.2019 passed by the learned Member, MACT No. 3, Kamrup (M) in MAC Case No. 672/2016.

Office Note dated 21.09.2024 reflects that service upon respondent No. 6 has been duly served.

Ms. Sharma, learned counsel for the appellant, submits that respondent No. 4 [driver of the offending vehicle] is not a necessary party for adjudication of this appeal and accordingly prays for the striking off of the name of said respondent No. 4 from the memo of appeal.

Prayer is allowed.

Let the name of respondent No.4 be struck off. Registry to do the needful.

She further prays for fresh steps to be taken for service upon respondent

No. 5 through *dasti* mode.

In view of the above, the learned counsel for the appellant is hereby directed to take fresh steps for service of notice upon respondent No. 5 through *dasti* mode within two weeks from today, which shall be routed through the Registry of this Court. After service of such notice, an affidavit to that effect shall be filed.

List the matter after **4(four) weeks**.

**JUDGE**

**Comparing Assistant**