

GAHC010278522023



undefined

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

Case No. : MACApp./426/2026

MUSSTT. REZIA BEGUM AND 2ORS
D/O LATE RIAZUDDIN MALLICK, R/O SIRIKHOWA JHONNARCHAR, PART-
V, P.S.- SOUTH SALMARA, DIST.- DHUBRI (ASSAM).

VERSUS

MAHESWARI BASUMATARY AND 3ORS. F
W/O SRI KARTIK BASUMATARY, R/O FATASIL, GANESHPARA, P.S.- FATASIL
AMBAR, GUWAHATI- 781025, DIST.- KAMRUP (M), ASSAM

2:MAHESH PD. SONARI
VILL.- A.M. ROAD
MOKOKCHANG
NAGALAND
PIN- 788601.

3:THE ORIENTAL INSURANCE CO. LTD
REP. BY REGIONAL MANAGER
ASSAM
REGIONAL OFFICE
ULUBARI
GUWAHATI- 781005.

4:UNITED INDIA INSURANCE CO. LTD
DISPUR BRANCH
G.S. ROAD
NEAR RAJIB BHAWAN GUWAHATI- 5
(ASSAM)
DIST.- KAMRUP (M)
ASSAM

Advocate for the Petitioner : MR. J SARMAH, MR. A BHATTACHARJEE

Advocate for the Respondent : MS R D MAZUMDAR(R-5), MS. C MOZUMDAR (r-5),MR. S P SHARMA (r-5),MS L SHARMA (R-6)

BEFORE

HONOURABLE MRS. JUSTICE YARENJUNGLA LONGKUMAR

ORDER

14.09.2026

- 1.** The instant appeal under Section 173 of the Motor Vehicle Act, has been preferred against the judgment and award dated 21.04.2018 passed by the learned MACT No. 2, Kamrup (M) in MAC Case No. 507/2009.
- 2.** Heard learned counsel Mr. A Bhattacharjee, the learned counsel for the appellant.
- 3.** It is the submission of the learned counsel for the appellant that the learned Tribunal did not take into consideration that the claimant had been pursuing the matter since 2009 with due sincerity and was personally present before the Tribunal for cross-examination on several occasions. Learned counsel also submits that the learned Tribunal has taken a very technical view of the matter and held that the claimant is not interested to pursue with the case and the claim petition was dismissed on this ground.
- 4.** Admit the appeal. Call for the records from the learned MACT No. 2, Kamrup, Guwahati.
- 5.** Learned counsel Ms S Sarma has entered appearance for respondent No.

6.

6. Issue notice to the respondent Nos. 1,2 and 5.

7. The learned counsel for the appellant shall take steps for service of notice upon the respondent Nos. 1,2 and 5 by speed post as well as usual process within a period of 7 days from today.

8. List after four weeks.

JUDGE

Comparing Assistant