

GAHC010319852019



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

Case No. : MACApp. 17/2020

1:NEW INDIA ASSURANCE COMPANY LTD.
HAVING ITS REGISTERED AND HEAD OFFICE AT NEW INDIA ASSURANCE
BUILDING, 87, MAHATMA GANDHI ROAD, FORT, MUMBAI-400001 AND
REGIONAL OFFICE AT G.S. ROAD, GUWAHATI-5, REP. BY THE CHIEF
REGIONAL MANAGER.

VERSUS

1:SHRI DEBEN DOIMARY AND 3 ORS.
S/O- LATE BULARAM DOIMARY, R/O- VILL. NO. 1 HASONG GAON, P.S.
SIMEN CHAPORI, DIST.- DHEMAJI, ASSAM.

2:SMT. REEMALI DAIMARY
W/O- SHRI DEBEN DAIMARY
R/O- VILL. NO. 1 HASONG GAON
P.S. SIMEN CHAPORI
DIST.- DHEMAJI
ASSAM.

3:SHRI ARUN DAS
S/O- SHRI BUDHESWAR DAS
VILL.- BOGORIJURI HALWA GAON
P.O. KAHORA
P.S. BOKAKHAT
DIST.- GOLAGHAT
ASSAM. (DRIVER OF THE OFFENDING VEHICLE NO. AS-01/EC-6398).

4:SHRI PRAKASH KALITA
S/O- LATE KANDARPA KALITA
VILL.- WEST BORAGAON
MILA PATH
H/NO. 8
P.O. GOTANAGAR
P.S. GARCHUCK

DIST.- KAMRUP(M)
GUWAHATI
ASSAM. (OWNER OF THE OFFENDING VEHICLE NO. AS-01/EC-6398)

Advocate for the Petitioner : MR SISHIR DUTTA

Advocate for the Respondent :

Linked Case : I.A.(Civil) 211/2020

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Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

Date : 31-01-2020

Heard Mr. S. Dutta, the learned counsel for the appellant, who submits that the impugned Judgment & Award dated 27.09.2019 passed by the MACT, Dhemaji in MAC Case No. 12/2015 should be interfered with, inasmuch as, the insurance policy issued to the owner of the vehicle had been cancelled by the appellant prior to the date of accident and the same had been informed to the owner of the vehicle vide letter dated 09.05.2014. The accident occurred on 30.08.2014.

The appellant's counsel submits that the cheque that had been given by the owner of the vehicle for the insurance policy was dishonoured in the first week of May, 2014.

Admit the appeal.

Call for the LCR.

Issue notice returnable in four weeks.

Appellant to take steps for service of notice upon the respondent by registered post with A/D and as per usual process, within 4 days.

List the matter after 4 (four) weeks.

JUDGE

Comparing Assistant