

GAHC010319852019



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

Case No. : MACApp./17/2020

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

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, MR. S DUTTA,MR S DUTTA,MS M BORCHETIYA

Advocate for the Respondent : MR. P HAZARIKA (R-1,2), MR. H S BORAH(R-1,2)

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 24.11.2025

- 1.** Heard Ms. S. Mochahari, learned counsel for the appellant. Also heard Mr. P. Hazarika, learned counsel for the respondent Nos. 1 and 2.
- 2.** The learned counsel for the appellant has submitted that as regards the respondent No. 3, the notice could not be served due to reason that the said respondent has moved out of his available address. Hence, further she submits that the respondent No. 4 expired.
- 3.** She submits that she may be allowed to take instructions regarding the current address of the respondent No. 3 and as to what steps has been taken in respect of respondent No. 4 from the Insurance Company.
- 4.** The prayer is allowed.
- 5.** On the other hand, the learned counsel for the claimant/respondent has submitted that in the connected I.A.(C) No. 211/2020, this Court by order dated 31.01.2020 had stayed the execution of the impugned judgment and award dated 27.09.2019 passed by the Motor Accident Claims Tribunal, Dhemaji in MAC Case No. 12/2015 subject to deposit of 50% of the awarded amount by the Insurance Company. However, even after lapse of five years, the Insurance

Company has not deposited the said money as informed to him by the Registry.

6. In this regard, the learned counsel for the appellant prays for some time to take necessary instructions from the Insurance Company and report back to this Court on the next date.

7. List this matter after four weeks.

JUDGE

Comparing Assistant