

GAHC010319852019



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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 : 08.05.2026

1. Heard Ms. S. Mushahary, learned counsel for the appellant. Also heard Mr. P. Hazarika learned counsel for the respondents No. 1 and 2.
2. The learned counsel for the appellant has submitted that the respondent No.3, who is the driver of the offending vehicle may not be required consideration of the instant appeal. Hence, notice to the said respondent may be waived. As regards the respondent No.4, she submits that it has come to the notice of the appellant that the said respondent has already expired and therefore, she seeks some time to take appropriate steps in this regard.
3. The prayer is allowed.
4. Let this matter be listed on 17.06.2026.

JUDGE

Comparing Assistant