

GAHC020002212026



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

Case No. : MACApp./7/2026

UNITED INDIA INSURANCE CO. LTD. AND ANR
NH-37, BIJOYNAGAR, KAMRUP, ASSAM

2: THE BRANCH MANAGER
UNITED INDIA INSURANCE CO. LTD.
BRANCH OFFICE
NYAMO LOTHAR ROAD
DIMAPUR
NAGALAND

VERSUS

SHRI AKSHAY ENGTI AND 2 ORS
S/O BARI ENGTI, S/O BARI ENGTI, P.A - UPPER HIDIPI RONGPHAR
VILLAGE, DILLAI, KARBI ANGLONG ASSAM

2:MRS. LONI LAHKAR
W/O GYAN JYOTI LAHKAR
R/O MIRZA STADIUM ROAD
P.O. MIRZA
P.S. PALASBARI
KAMRUP
ASSAM. (DRIVER OF TRUCK B.R. NO. AS-01/BC-8161)

3:SHRI SWMDWN BASUMATARY
S/O MONTO BASUMATARY
R/O BANGFOR VILLAGE
P.A. - JAGIROAD
MORIGAON
ASSAM (DRIVER OF B/R NO. AS-01/BC-8161)

Advocate for the Petitioner : TONGPANG IMCHEN, IMTILA PONGEN, NUNGSANG
AIER, I IMCHEN

Advocate for the Respondent : ,

**BEFORE
HON'BLE MRS. JUSTICE YARENJUNGLA LONGKUMER**

ORDER

15.04.2026

Heard learned counsel for the appellant, Mr. Tongpang Imchen.

The instant appeal under Section 173 of the Motor Vehicles Act, 1988 has been filed assailing Judgment and Order dated 07.01.2026, passed by the learned MACT, Dimapur, Nagaland in MAC Case No. 29/2017.

The main grounds taken by the appellant herein is that the claimant had suffered only partial disability as per the medical certificate which was produced during the trial. However, the learned court below has assessed the compensation to the claimant respondent as permanent disability and calculated the percentage of permanent disability as 45%.

Another ground taken by the appellant herein is that the claimant respondent had earlier filed another claim petition stating that he was a pedestrian who had been injured in the motor vehicle accident. However, upon the court coming to know that he was not a pedestrian the claim respondent withdrew the said claim petition and by an Order dated 20.03.2017, the learned MACT, Dimapur had disposed of the MAC Case Nos. 16 and 17 of 2016 upon withdrawal. Thereafter the claimant respondent again filed the MAC Case no. 29 of 2017 on the ground that he was injured in the motor vehicle accident while travelling in a

motorcycle. It is also submitted by the appellant that the claimant respondent was travelling without a valid license and the driver of the other offending truck was also driving without a valid driving license at the time of the accident. However, the learned Tribunal had not taken these factors into consideration while disposing of the MAC Case No. 29 of 2017.

Admit the appeal.

Call for the records from the Motor Accident Claims Tribunal, Dimapur, Nagaland.

The learned counsel for the appellant shall take steps for service on the respondent nos. 1, 2, 3 and 4 by Speed Post as well as usual process within 3 (three) working days from today.

List after 4 (four) weeks.

JUDGE

Comparing Assistant