

GAHC030000222025



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

Case No. : MACApp./5/2025

SBI General Insurance Company Limited
No. 101, 201 and 301
3rd Floor, Natraj, Andheri Kurla Road, Andheri East, Mumbai-400069
Near Junction of Western Express Highway

VERSUS

Sh. S.T. Manga and 3 Ors.
F/o Rolala
R/o Lengpui, Mizoram 2:Sh. H. Lalchhuanawma
S/o Sh. Lalpiangthanga
Rengdil
Mamit District
Mizoram

3:Sh. H. Lalrinawma
S/o Thangchuanga (L)
R/o Bawngkawn
Aizawl
Mizoram

4:Sh. Lalchhuanmawia
S/o Piangthanga
R/o Lengpui
Mizora

Advocate for the Petitioner : Mr. Roshan Subedi

Advocate for the Respondent :

ORDER
BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO

23.01.2025

Heard Mr. Roshan Subedi, learned counsel for the appellant, who submits that the appellant being aggrieved with the Judgment & Award dated 23.10.2024 passed by the Presiding Officer, Motor Accident Claims Tribunal, Aizawl (the Tribunal) in MACT Case No. 19/2022 has filed the instant appeal. He submits that as per the Judgment & Award, the Tribunal has awarded a sum of Rs. 44,48,040/- along with interest @ 7% per annum from the date of filing the claim to the claimant. He submits that the claimant is the father of the deceased and the deceased is survived by his children but there is no evidence as regards the wife of the deceased.

The learned counsel submits that challenge made by the appellant mainly is with regard to the quantum of compensation awarded by the Tribunal. He submits that although the Tribunal declined to accept the monthly income certificate of the deceased produced by the appellant but proceeded to accept his monthly income at Rs. 730/- per month as given to Skilled - I daily wager. He submits that the same has not been proved by the claimant and therefore, the learned Tribunal could not have relied upon the said amount as the monthly income of the deceased.

In view of above, the appeal is admitted subject to the appellant depositing 50% of the awarded amount before the Registry of this Court within a period of one (1) month from today.

Issue notice to the respondents, returnable by four (4) weeks. Appellant to take steps for service of notice upon the respondents by registered post with A/D due within three (3) days. Registry shall call for the records of MACT Case No. 19/2022 from the Tribunal. It is also provided herein that the amount so deposited shall not be released without the permission of this Court.

List the matter again after four (4) weeks.

JUDGE

Comparing Assistant