

GAHC040010152025



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

Case No. : MACApp./13/2025

Mrs Kanchu Wangmu
Wife of Late Kesang, resident of Village, PO and PS Lumla, Tawang District,
Arunachal Pradesh.

VERSUS

Bajaj Allianj General Insurance Co Ltd and 2 Ors
GS Road, 5th Floor, Srejee Tower, Christian Basti, Guwahati, Kamrup District,
Assam

2:Ajit Das
Age: 0
Occupation :
Son of Misti Das
C/o Lobsang Yenjin
PO and PS Bhalukpong
West Kameng District
Arunachal Pradesh.

3:Rinchin Tsering
Age: 0
Occupation :
Son of Tsepechu
resident of PO and PS Bomdila
West Kameng District
Arunachal Pradesh

Advocate for the Petitioner : Bolu Ram Das,

Advocate for the Respondent : ,

**BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN**

ORDER

Date : 23.06.2025

Heard Mr. B. R. Das, learned counsel appearing for the appellant.

This is an appeal filed against the order, dated 28.05.2025, passed by the learned Member, Motor Accident Claim Tribunal, Bomdila, West Kameng District, Arunachal Pradesh, by which, the learned Tribunal had dismissed the MACT Case No. 08/2023, on the ground that there was no evidence to prove that there was rash and negligent driving by the driver as well as on the ground that the Final Report and MVI Report exhibited by the claimant as Ext. No. 5 & 7, showed that the accident occurred only because of the steering failure of the offending vehicle.

Mr. B. R. Das, learned counsel appearing for the appellant, however, states that there are evidences on record to show the negligence on the part of the driver. He had also stated that Insurance Premium with regard to the persons as well as with regard to the vehicle was paid. He stated that the Insurance Company has taken the liability through Insurance Policy, Exhibited as Ext. D as required under Section 147(5) of the Motor Vehicle Act. Further he submits that the MVI Report is also not beyond reasonable proof that the accident had taken place due to mechanical failure. He, as such, challenges the order passed by the learned Tribunal.

Issue notice, returnable by 3 (three) weeks.

Steps for service of notice upon the respondent Nos. 1 to 3 be taken by registered post with A/D as well as by usual process, within 3 (three) working

days.

List this matter **after 3 (three) weeks** for Admission Hearing.

JUDGE

Comparing Assistant