

GAHC010012672020



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

Case No. : CRP/88/2022

M/S. ASSAM TEA INDUSTRIES
REPRESENTED BY ITS PROPRIETOR SRI MAKHAN LAL GATTANI, AGED
ABOUT 55 YEARS, S/O LATE SIVADAYAL GATTANI, R/O MARIANI ROAD,
NEAR ONGC COMPLEX, CINNAMARA, JORHAT, PIN-785704

VERSUS

SMTI. DUKHUN MUNDA AND 7 ORS.
R/O KATHALGURI TEA ESTATE, P.S.-MARIANI, DIST-JORHAT, ASSAM

2:MS. SANKARI MUNDA
R/O KATHALGURI TEA ESTATE
P.S.-MARIANI
DIST-JORHAT
ASSAM

3:SMTI. MADI MUNDA
R/O KATHALGURI TEA ESTATE
P.S.-MARIANI
DIST-JORHAT
ASSAM

4:JITU SAIKIA
S/O LATE JOGYESWAR SAIKIA
VILL-DUKLINGIAI
P.S.-MARIANI
DIST- JORHAT
ASSAM

5:THE REGIONAL MANAGER
UNITED INDIA INSURANCE CO. LTD.

6:PRANABENDU SEN

S/O LATE M.C. SEN
VILL-SARUPATHAR
DIST-GOLAGHAT

7:KORIJAM KAMINI SINGHA
S/O K.R. SINGHA
VILL-SARUPATHAR
P.S.-SARUPATHAR
DIST-GOLAGAHT
ASSAM

8:THE REGIONAL MANAGER
M/S NEW INDIA ASSURANCE CO. LTD.
RAJIB BHAWAN
G.S. ROAD
GHY-

Advocate for the Petitioner : MS. SUDAKSHINA K.

Advocate for the Respondent : MR G S BORO (R5)

Linked Case : **CRP/86/2022**

M/S. ASSAM TEA INDUSTRIES
REPRESENTED BY ITS PROPRIETOR SRI MAKHAN LAL GATTANI
AGED ABOUT 55 YEARS
S/O LATE SIVADAYAL GATTANI
R/O MARIANI ROAD
NEAR ONGC COMPLEX
CINNAMARA
JORHAT
PIN-785704

VERSUS

SMT. SWANI MUNDA AND 6 ORS.
R/O KATHALGURI TEA ESTATE
P.S.-MARIANI
DIST-JORHAT
ASSAM

2:BUDU MUNDA
R/O KATHALGURI TEA ESTATE
P.S.-MARIANI
DIST-JORHAT
ASSAM

3:JITU SAIKIA
S/O LATE JOGYESWAR SAIKIA
VILL-DUKLINGIAI
P.S.-MARIANI
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ASSAM

4:THE REGIONAL MANAGER
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S/O LATE M.C. SEN
VILL-SARUPATHAR
DIST-GOLAGHAT

6:KORIJAM KAMINI SINGHA
S/O K.R. SINGHA
VILL-SARUPATHAR
P.S.-SARUPATHAR
DIST-GOLAGAHT
ASSAM

7:THE REGIONAL MANAGER
M/S NEW INDIA ASSURANCE CO. LTD.
RAJIB BHAWAN
G.S. ROAD
GHY-5

Advocate for : MS. SUDAKSHINA K.

Advocate for : MR B KAUSHIK appearing for SMT. SWANI MUNDA AND 6 ORS.

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

10-08-2023

Heard Ms. A. M. Dicosta, learned counsel appearing on instructions of Shri B. Kaushik, learned counsel for the petitioner. Also heard Shri G. Jalan, learned counsel for the claimants, Shri A. J. Saikia, learned counsel for the United India Insurance Company and Shri R. C. Paul, learned counsel for New India Insurance Company in these cases.

The challenge is with regard to an order dated 14.10.2019 whereby the application for restoration of the Misc. Case which was filed for setting aside *ex-parte* award has been dismissed for default.

The learned counsel appearing for the respective parties however are in agreement that the issue involved was also raised in CRP No. 89/2022 which has been disposed of vide order dated 02.11.2022 with a direction for remand of the matter to be decided on its own merits and the impugned order dated 14.10.2019 has been quashed.

The learned counsel are in agreement that a similar order may be passed in these cases.

A copy of the earlier order dated 02.11.2022 passed by this Court in CRP No. 89/2022 is placed on record which has been perused.

After consideration of the facts and circumstances and after hearing the learned counsel for the parties, this Court is of the opinion that there is no requirement of any fresh adjudication as the matter is squarely covered by the order dated 02.11.2022 of this Court passed in CRP No. 89/2022

Accordingly, the impugned order dated 14.10.2019 is set aside and the learned Tribunal is directed to consider the restoration application on its own merits. It is further made clear that such consideration will be strictly on the merits of the case and as per law and without being influenced by any observation made by this Court.

The revision petition accordingly stands allowed.

The petitioners are accordingly directed to file necessary application before the Tribunal within a period of 15 days from today with a copy of this order for doing the needful in terms of the same.

Accordingly, petition stands disposed of.

JUDGE

Comparing Assistant