

GAHC010022832024



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

Case No. : CRP(IO)/61/2024

THE UNITED INDIA INSURANCE CO LTD
HAVING ITS REGISTERED HEAD OFFICE AT 24 WHITES ROAD, CHENNAI-
600014 WITH ONE OF ITS REGIONAL OFFICE AT G.S. ROAD, GUWAHATI-
788005, REPRESENTED BY ITS CHIEF REGIONAL MANAGER.

VERSUS

HARIDAS SEAL
S/O- LATE KHETRA MOHAN SEAL, R/O- VILL.- PASCHIM KANURI PT-1, P.O.
LAKHIMARI, P.S. GOLAKGANJ, DIST. DHUBRI, ASSAM

Advocate for the Petitioner : MR A N DAS

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

23.02.2024

Heard Mr. A N Das, learned counsel for the petitioner.

This is an application filed under Article 227 of the Constitution of India challenging the order dated 31.08.2023 passed by the learned Member, MACT, Dhubri in MAC Case No. 48/2021 (D).

The petitioner insurance company could not file their written statement in time and

therefore, the case was directed to be proceeded ex-parte against the insurance company. Subsequently, the insurance company filed an application praying for vacating the said ex-parte order and prayed before the trial court to accept the written statement. The trial court did not accept the written statement on certain grounds which do not require any deliberation at this point of time.

This court is of the opinion that the prayer of the insurance company should have been allowed by the trial court. Therefore, the impugned order dated 31.08.2023 passed by the learned Member, MACT, Dhubri in MAC Case No. 48/2021 (D) is set aside. The trial court is directed to accept the written statement filed by the insurance company and thereafter the trial court shall proceed to dispose of the case in accordance with law.

With the above the civil revision petition is disposed of.

JUDGE

Comparing Assistant