

GAHC010054582024



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

Case No. : WP(C)/1606/2024

RAHIZ UDDIN
S/O- MD. AZAHAR ALI, VILL- RUPNAGAR BADALMARI, GOALPARA
TOWN, WARD NO. 19, P.O. GOALPARA, P.S. AND DIST.- GOALPARA, ASSAM

VERSUS

UNITED INDIA INSURANCE CO LTD AND 2 ORS
BONGAIGAON DIVISION, BONGAIGAON INSURANCE POLICY NO.
130604/31/11/01/00002000, REPRESENTED BY THE DIVISIONAL MANAGER

2:MAHAR ALI
S/O- BILLAT HUSSAIN
VILL- AZADNAGAR
P.O. BALADMARI
P.S. AND DIST.- GOALPARA
ASSAM (OWNER OF THE VEHICLE)

3:SHOHAR UDDIN AHMED
S/O- BILLAT HUSSAIN
VILL- AZADNAGAR
P.O.- BALADMARI
P.S. AND DIST- GOALPARA
ASSAM(DRIVER OF THE VEHICLE)

Advocate for the Petitioner : MR. A AHMED

Advocate for the Respondent :

**BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY**

ORDER

20.03.2024

Heard Mr. A. Ahmed, learned counsel for the petitioner.

The present writ petition is filed under Section 226 of the Constitution of India assailing an order dated 06.12.2022 passed by the learned Member, MACT, Goalpara in MAC Case No. 198/2018 whereby the claim petition preferred by the petitioner was dismissed rejecting a petition for adjournment.

In the case of **Radhey Shyam –Vs- Chhabi Nath** reported in **2015 5 SCC 423**, the Hon'ble Apex Court while dealing with the determination made in the case of **Surya Dev Rai –Vs- Ram Chander Rai & Ors** reported in **2003 6 SCC 675**, held that the application under Article 226 of the Constitution of India shall not be maintainable against an order passed by a Court or Tribunal exercising its judicial power.

In view of such, this writ petition is not maintainable.

Accordingly, Mr. Ahmed, learned counsel for the petitioner prays that he may be allowed to withdraw this writ petition with a liberty to file a fresh application under Article 227 of the Constitution of India.

In view of the aforesaid submission, this writ petition stands closed on withdrawal, with a liberty as prayed for.

JUDGE

Comparing Assistant