

GAHC010068242022



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

Case No. : MACApp./338/2022

MD. ALIUL ISLAM
S/O NOOR BAKHT SHEIKH,
RESIDENT OF HOUSE NO 15, KUNDIL NAGAR RAJGARH, BHANGAGARH
PALTAN BAZAR, DIST KAMRUP R ASSAM 781005
OFFICE ADDRESS
ALIUL ISLAM, MANAGING DIRECTOR, GREEN HARVEST (INDIA) BIO
TECH PVT. LTD. MUNNI MARKET, GS ROAD, BHANGAGARH, GUWAHATI
781005,

VERSUS
RINA MEDHI
W/O DINESH MEDHI,
RESIDENT OF VILLAGE BHALUKDUBI,
PO BHALUKDUBI, PS AND DIST GOALPARA, ASSAM

Advocate for the Petitioner : MR. B CHOWDHURY

Advocate for the Respondent : MR. DITUL DAS

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 12.06.2024

Heard Mr. B. Chowdhury, learned counsel appearing for the appellant and Mr. D. Das, learned counsel appearing for the respondent.

2. This appeal has been filed against the ex-parte judgment dated 28.09.2021 passed in MAC Case No.116 of 2019 by the MACT, Goalpara.

3. The respondent filed a Claim Petition before the Tribunal and the present appellant was impleaded in that Claim Petition as a defendant since he is the owner of the connected vehicle.
4. The appellant was negligent in taking steps in the said proceeding. Therefore, the Tribunal passed the ex-parte judgment against him.
5. Mr. Das has submitted that the appellant was negligent in taking steps in the case. Therefore, the appeal should be dismissed.
6. Mr. Chowdhury has submitted that since the appellant is the owner of the connected vehicle, he should be given at least one opportunity to contest the case.
7. I have considered the submissions made by the learned counsel of both sides. I have decided to agree with the appellant.
8. Therefore, the impugned judgment dated 28.09.2021 passed in MAC Case No.116 of 2019 by the MACT, Goalpara is set aside.
9. The appellant shall be given one opportunity to file his written statement and thereafter, the Tribunal shall proceed to dispose of the Claim Petition in accordance with the procedures as laid down by law.
10. The parties are directed to appear before the Tribunal on 26th July, 2024 for receiving further order (s).

The appeal is allowed.

The LCR shall be returned.

JUDGE

Comparing Assistant