

GAHC010112102024



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

Case No. : MACApp./272/2024

ANAUDDIN SK
S/O LATE MONOUDIN SK,
VILL.- JHAPUSABARI (KALDOBA PART- II), P.S.- AGOMONI, DIST.- DHUBRI,
ASSAM.

VERSUS

THE UNITED INDIA INSURANCE COMPANY LIMITED AND ANR.
REP. BY ITS BRANCH MANAGER OF DHUBRI BRANCH, P.O., P.S. AND
DIST.- DHUBRI, ASSAM, PIN- 783301.

2:REJAUL HOQUE
S/O ACHHORUDDIN

VILL.-DHALADARI
BHANUKUMARI
P.S.- BOXIRHAT
DIST.- COOCHBEHAR
WEST BENGAL
PIN- 736131

Advocate for the Petitioner : MR I HAQUE

Advocate for the Respondent :

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

Date : 12.06.2024

Heard Mr. I. Haque, learned counsel appearing for the appellant.

2. This is an appeal against the order dated 07.03.2024 passed by the MACT, Dhubri in MAC Case No.310 of 2016.

3. The appellant is the claimant before the Tribunal. The date 11.01.2019 was the first date for filing evidence by the claimant. The claimant did not file his evidence on that day. The claimant continued to take time for filing evidence. But on 07.03.2024, the counsel for the claimant filed an application seeking another date for submission of evidence. The claimant simply informed the Court that because of personal inconvenience, the claimant needed time to file the evidence.

4. The learned Tribunal held that the aforesaid personal inconvenience has not been explained. Therefore, the Tribunal held that the claimant had failed to adduce evidence.

5. Thereafter, the Tribunal held that the claimant is not entitled to get any compensation.

6. I have considered the submissions of Mr. Haque. I have also considered the circumstances leading to filing of this appeal.

7. I have decided to agree that the Tribunal should have given at least one final opportunity to the claimant to examine witnesses.

8. Therefore, the impugned judgment is set aside. The case is remanded to

the Tribunal. The Tribunal is directed to give only one final opportunity to the claimant to examine himself and his witnesses.

9. Thereafter, the Tribunal shall dispose of the Claim Petition in accordance with the procedures laid down by law.

10. With the aforesaid directions, the appeal stands disposed of.

JUDGE

Comparing Assistant