

GAHC010114992021



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

Case No. : MACApp./703/2022

GOKUL CHETIA
S/O LT. PURNA KANTA CHETIA, VILL-NOTUN NIRMALI GAON, P.O. AND
P.S.-DIBRUGARH, DIST-DIBRUGARH, ASSAM

VERSUS

M/S GARGO MOTORS AND 2 ORS.
REGD. OFFICE AT GS ROAD, BHANGAGARH, P.S.-DISPUR, GUWAHATI,
DIST- KAMRUP, ASSAM

2:M/S RAJU TRANSPORT
LOKHORA CHARIALI
P.S.-GARCHUK
GUWAHATI
DIST-KAMRUP
ASSAM

3:THE NEW INDIA ASSURANCE COM. LTD.
REG. OFFICE BHANGAGARAH
GS ROAD
GUWAHAT

Advocate for the Petitioner : B R DAS

Advocate for the Respondent : MR G S BORO (R-3)

**BEFORE
HONOURABLE MRS. JUSTICE MARLI VANKUNG**

ORDER

Date : 27.05.2024

Heard Mr. B.R. Das, learned counsel for the appellant along with Mr. S.J. Saikia, learned counsel for the respondent No. 3.

The learned counsel for the appellant/claimant submits that the instant appeal has been filed against the judgment and order dated 15.12.2016 passed by the learned Member, MACT, Dibrugarh in MAC Case 113/2014 due to the fact that no documents supporting the claim of the appellant/ claimant could be produced before the learned Tribunal during the trial of the case and the learned Tribunal had dismissed the claim petition.

The learned counsels submits that the appellant/ claimant had submitted all the documents to the previous learned counsel, who had expired and therefore the supporting documents could not produced before the learned MAC Tribunal at the time of the trial since the said documents were not handed over to the learned counsel appointed subsequently.

The learned counsel for the appellant/ claimant submits that he may be allowed to approach the learned MAC Tribunal afresh with the documents which supports the claim of the appellant/ claimant that he is 60% handicapped due to the accident.

The learned counsel for the appellant/ claimant also submits that there are medical documents which proves the treatment undergone by the claimant because of the accident.

The learned counsel for the respondent submits that even if the matter is remanded back to the learned MAC Tribunal it may be noted that this Court in its order dated 12.09.2022 had allowed the condonation of delay of 1196 days with condition that the applicant shall not be entitled to any interest for 900 days and it was on that condition

the application for condonation of delay was allowed.

Having heard the submissions made by the learned counsel appearing for both the sides, this Court finds it appropriate that the matter be remanded back to the learned Member, MACT, Dibrugarh, Assam by giving an opportunity to the appellant/ claimant to file an application before the learned Tribunal for consideration of the documents which was not earlier submitted. The explanation given is that the previous learned counsel for the appellant/ claimant had expired and therefore the document duly submitted to the previous deceased counsel could not be produced before the learned Tribunal. The learned MAC Tribunal shall consider the claim so submitted and thereafter disposed of the application as it deem fit and proper. The order of this Court dated 12.09.2022 is also to be duly furnished to the learned Tribunal by the learned counsel for the appellant/claimant in I.A.(Civil) No. 2014/2021.

Necessary steps be taken by the learned counsels for the appellant/ claimant within 3 (three) months.

In view of the above, the impugned order dated 15.12.2016 passed in MAC Case No. 113/2014 stands set aside till the disposal of the matter as noted above.

Accordingly, the instant MAC Appeal No. 703/2022 stands disposed of.

JUDGE

Comparing Assistant