

GAHC010135112024



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

Case No. : CRP(IO)/243/2024

SUDIP KUMAR DAS
SON OF SRI SAMIRAN CHANDRA DAS,
RESIDENT OF SUBACHANI ROAD (NEAR BANK COLONY),
P.O., P.S. AND DIST.- TINSUKIA, ASSAM.

VERSUS

DAVID RANJAN BORGOHAIN AND 3 ORS
SON OF SRI PUSHPA GOHAIN,
A RESIDENT OF HAHKATI SAIYAN GAON,
P.O., P.S. AND DISTRICT- TINSUKIA, ASSAM.
(OWNER OF VEHICLE BEARING REGISTRATION NO. AS-23AC-3775
(WINGER)).

2:GOGON CHETIA
SON OF LATE HOBEANG CHETIA

A RESIDENT OF JEARI NOLONI HULL

P.O.- PANITOLA
DIST.- DIBRUGARH
ASSAM.
(DRIVER OF VEHICLE BEARING REGISTRATION NO. AS-23AC-
3775(WINGER)).

3:THE MANAGER
UNITED INDIA INSURANCE COMPANY LIMITED
HAVING ITS BRANCH OFFICE AT PRAMOD MARKET
RANGAGORA ROAD
TINSUKIA
P.O. AND P.S. AND DISTRICT TINSUKIA
ASSAM.

(INSURER OF THE VEHICLE BEARING REGISTRATION NO. AS-23AC-3775(WINGER)).

4:THE MANAGER
THE NEW INDIA ASSURANCE COMPANY LIMITED
HAVING DIVISIONAL OFFICE AT RANGAGORA ROAD
TINSUKIA
PLAZA COMPLEX
2ND FLOOR
P.O.
P.S. AND DISTRICT- TINSUKIA
ASSAM.
(INSURER OF VEHICLE BEARING REGISTRATION NO. AS-23J-0968 (INIDGO CS))

Advocate for the Petitioner : S CHANDA

Advocate for the Respondent :

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

22.07.2024

Heard Mr. S. Chanda, learned counsel appearing for the petitioner.

2. This is an application under Article 227 of the Constitution of India, which relates to the order dated 30.01.2024 passed by the learned Additional District & Sessions Judge, FTC No.2, Tinsukia in MACT Case No.18/2016.

3. The petitioner is the claimant before the Tribunal/Court. On 30.01.2024, the case was posted before the Tribunal for cross-examination of the claimant's witness no.2. An application has been filed by the claimant that his witness no.2 was not keeping well and an adjournment was prayed for.

4. The learned Tribunal/Court allowed said application but directed that the case should be listed on 13.03.2024 for examination of the witnesses of the defendant side.

- 5.** I find that it was an unintentional error committed by the Tribunal/Court. Therefore, the revision petition is allowed.
- 6.** The impugned order dated 30.01.2024 stands modified.
- 7.** The witnesses of the claimant's side shall be first cross-examined by the Insurance Company and on closure of the evidence of the claimant's side, the case shall be posted for evidence of the Insurance Company, if there be any.

With the aforesaid direction the revision petition stands disposed of.

JUDGE

Comparing Assistant