

GAHC010141282024



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

Case No. : CRP/76/2024

JAHURA KHATUN
W/O- RAMJAN ALI,
VILL- CHAPRA,
P.O.- CHAPRA,
P.S.- BARPETA,
DIST.- BARPETA, ASSAM.

VERSUS

EMRAN HUSSAIN AND ANR
S/O- ABDUL ROUF,
R/O- VILL- BAHMURA,
P.O.- JAHURPAM,
P.S.- BARPETA,
DIST.- BARPETA, ASSAM,
PIN- 781314
(DRIVER-CUM-OWNER OF THE VEHICLE NO. AS-15 S-6756 (PULSAR BIKE),
DL. NO. AS-15-20230007213, VALID UPTO 02/11/2036.

2:BRANCH MANAGER
HDFC ERGO GENERAL INSURANCE CO. LTD.
6TH FLOOR
ADITYA BUILDING
LACHIT NAGAR

G.S. ROAD
KAMRUP(M)
ASSAM
GUWAHATI- 781007.
(INSURER OF THE VEHICLE NO. AS-15 S-6756 (PULSAR BIKE) BEING
POLICY NO. 2312 2020 5181 9900 000. VALID UPTO 24/02/2026

Advocate for the Petitioner : MR. S ISLAM

Advocate for the Respondent :

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

24.07.2024

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

2. This is an application under Article 227 of the Constitution of India challenging the order dated 28.02.2024 passed by the learned Member, MACT, Barpeta in MAC Case No.342/2023.

3. The petitioner filed the claim application before the Tribunal after a delay of about two months. She had shown the cause for delay but the learned Tribunal refused to accept the plea taken by the petitioner.

4. After going through the materials, this Court is of the opinion that the petitioner had satisfactorily shown the cause of delay. Thus, this Court is again of the opinion that the learned Tribunal has erroneously interpreted the cause shown by the petitioner.

5. Resultantly, the impugned order is bad in law. The order dated order dated 28.02.2024 passed by the learned Member, MACT, Barpeta in MAC Case No.342/2023, is set aside.

6. The Tribunal is directed to dispose of the MAC Case No.342/2023 in accordance with the procedure as laid down by law.

With the above direction, the Revision Petition is disposed.

JUDGE

Comparing Assistant