

GAHC010157022018



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

Case No. : MFA/106/2018

NATIONAL INSURANCE COMPANY LIMITED
SUBSIDIARY OF GENERAL INSURANCE CORPORATION OF INDIA,
REGISTERED HEAD OFFICE AT 3 MIDDLETON STREET, CALCUTTA 700071
REPRESENTED BY THE ASSTT. MANAGER, GAUHATI REGIONAL OFFICE,
BHANGAGARH, GUWAHATI 781005

VERSUS

AKUL ALI AND ANR
S/O MAMTAJ ALI, R/O VILL. RADHAKUCHI, P.S. BARPETA, DIST. BARPETA,
ASSAM, PIN 781311, TEMPORARY ADDRESS - VILL. SARUPETA, P.S.
PATACHARKUCHI, DIST. BARPETA, ASSAM, PIN 781318

2:WAHED ALI

S/O JALAL UDDIN
R/O VILL. CHAKIRBITHA
P.S. BARPETA
DIST. BARPETA
ASSAM
PIN 781352 (OWNER)

Advocate for the Petitioner : MS. R D MOZUMDAR

Advocate for the Respondent : MS. S D SAIKIA (R1)

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

Date : 12.06.2024

Heard Ms. R. D. Mozumdar, learned counsel appearing for the appellant and Mr. N. Ahmed, learned counsel appearing for the respondent No. 2.

2. None appears for the respondent No. 1.

3. Today, as directed by this Court, the learned Junior Government Advocate, Ms. K. Phukan has submitted the original G.D. Entry No. 97 dated 10.08.2015 of Gobardhana Police Station.

4. The claimant/the respondent No. 1 filed a Claim Petition before the Commissioner, Workmen's Compensation, Bajali stating that on 10.08.2015, he was working as a labourer in the Vehicle No. AS-15/C-6329. On that day, said vehicle met with an accident and the claimant/the respondent No. 1 had sustained serious injurious, as a result of which, he became disabled. The learned Commissioner granted compensation of Rs.1,33,428/-

5. Here, the appellant has claimed that on 10.08.2015, no accident at all took place and the documents filed by the claimant/respondent are fraudulently prepared.

6. Today, Ms. Phukan has produced the original GD Entry of Gobardhana Police Station.

7. I have found that on 10.08.2015, no such accident had taken place.

8. Therefore, this Court hereby holds that the claimant procured the judgment by filing fraudulent documents.

9. For that matter, the impugned judgment dated 11.01.2017 passed by the Commissioner, Workmen's Compensation, Bajali Sub-Division, Barpeta in W.C. Case No. 319 of 2015 is set aside.
10. The first substantial question of law is answered in the affirmative.
11. The appeal is allowed and disposed of accordingly.

JUDGE

Comparing Assistant