

GAHC010237552022



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

Case No. : Tr.P.(C)./116/2022

MS. PUNAM KAIRI
D/O LATE BUDHESWAR KAIRI, D/O LATE JASODA KAIRI, R/O VILL-
ATKHEL BASTI, P.O. AND P.S.-GELEKY, DIST- SIVASAGAR, ASSAM-785696

VERSUS

THE REGIONAL MANAGER, HDFC ARGO GENERAL INSURANCE CO. LTD.
AND 2 ORS
LACHIT NAGAR, G.S. ROAD, ABC, GUWAHATI-07, KAMRUP (M), ASSAM

2:MRS. RUNU GOGOI
W/O NABIN CHANDRA GOGOI
R/O GELEKY CHARIALI
P.O. AND P.S.-GELEKY
DIST- SIVASAGAR
ASSAM-785696

3:NABIN CHANDRA GOGOI
S/O LATE TUPAI GOGOI
R/O GELEKY CHARIALI
P.O. AND P.S.-GELEKY
DIST- SIVASAGAR
ASSAM-78569

Advocate for the Petitioner : MR. A GANGULY

Advocate for the Respondent : MR. A R SHOME (R-2 AND 3)

Linked Case : Tr.P.(C)./21/2023

RUNU GOGOI AND ANR
WIFE OF SRI NABIN CHANDRA GOGOI

RESIDENT OF- GELEKY CHARIALI

P.O.- GELEKY
P.S.- GELEKY

DISTRICT- SIVASAGAR
PIN- 785696

ASSAM.

2: NABIN CHANDRA GOGOI
SON OF LATE TUPAI GOGOI

RESIDENT OF- GELEKY CHARIALI

P.O.- GELEKY
P.S.- GELEKY

DISTRICT- SIVASAGAR
PIN- 785696

ASSAM.
VERSUS

PUNAM KAIRI AND ANR
D/O- LATE BUDHESWAR KAIRI

R/O- VILLAGE ATKHEL BASTI

P.O.- GELEKY
P.S.- GELEKY

DISTRICT- SIVASAGAR
PIN- 785696

ASSAM

2:THE REGIONAL MANAGER
HDFC ERGO GENERAL INSURANCE CO. LTD.
LACHIT NAGAR
G.S. ROAD

ABC

GUWAHATI- 781007

DISTRICT- KAMRUP(M)
ASSAM.

Advocate for : MR. S CHAUHAN

Advocate for : MR. A GANGULY (R-1) appearing for PUNAM KAIRI AND ANR

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
O R D E R

01.05.2024

Both the petitions are taken up together for disposal taking into account that both the petitions seek the transfer of MAC Case No.1347/2021 pending before the learned Member, Motor Accident Claims Tribunal No.3, Kamrup (M) at Guwahati to the Court of the learned District Judge, Sivasagar who is also functioning as the Member, MACT.

2. This Court has duly taken note of that the accident took place within the district of Sivasagar. Both the claimant as well as the owner of the vehicle are residents within the district of Sivasagar. It is also very pertinent to observe the submission of Mr. T. Chetri, the learned counsel appearing on behalf of the claimant to the effect that the lawyer who was engaged was instructed to file the claim proceedings before the Court at Sivasagar, but the lawyer filed the application herein at Guwahati and it is on account of the said mistake, the instant proceedings have been filed.

3. Taking into account the above, this Court is of the opinion that this is a fit case for transfer of MAC Case No.1347/2021 from the Court of the learned Member, Motor Accident Claims Tribunal No.3, Kamrup (M) at

Guwahati to the Court of the learned District Judge, Sivasagar who is also discharging the function as the Member, MACT, Sivasagar.

4. This Court further vacates the orders by which further proceedings of MAC Case No.1347/2021 was stayed and directs the parties to appear before the learned District Judge, Sivasagar on 10.06.2024.

5. The learned Member, Motor Accident Claims Tribunal No.3, Kamrup (M) at Guwahati is hereby directed to forthwith upon receipt of a copy of this instant order to transfer the case records of MAC Case No.1347/2021 to the Court of the learned District Judge, Sivasgar.

6. The Registry is further directed to intimate the Court of the learned Member, Motor Accident Claims Tribunal No.3, Kamrup (M) at Guwahati as well as the learned District Judge, Sivasagar about the instant order.

JUDGE

Comparing Assistant