

GAHC010022942026



2026:GAU-AS:3358

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

Case No. : CRP(IO)/36/2026

BAJAJ GENERAL INSURANCE COMPANY LIMITED
(FORMERLY BAJAJ ALLIANZ GENERAL INSURANCE COMPANY LIMITED)
HAVING ITS REGISTERED HEAD OFFICE AT G.E. PLAZA, AIRPORT ROAD,
YERAWADA, PUNE- 411006, MAHARASHTRA AND ITS BRANCH OFFICE AT
2ND FLOOR, SREEJI TOWER, ADJACENT TO MAHINDRA SHOWROOM,
CHRISTIAN BASTI, M G.S. ROAD, GUWAHATI-781006 REPRESENTED BY ITS
EXECUTIVE LEGAL OFFICER

VERSUS

HUNUFA KHATUN AND 3 ORS.
WIFE OF MOYNAL MOLLA, RESIDENT OF VILLAGE-SHILOCHI PATHAR,
POST OFFICE- BALAJAN, MOUZA - BAGHBAR, POLICE STATION-
BAGHBAR, DISTRICT- BARPETA, ASSAM, PIN- 781308

2:MOYNAL MOLLA
SON OF LATE IYASIN MOLLA
RESIDENT OF VILLAGE-SHILOCHI PATHAR
POST OFFICE- BALAJAN
MOUZA- BAGHBAR
POLICE STATION- BAGHBAR
DISTRICT- BARPETA
ASSAM
PIN- 781308

3:REJAUL KARIM
SON OF KURPAN ALI
RESIDENT OF VILLAGE- DIGIRPAM
POST OFFICE- NIRALA
MOUZA- MANDIA
POLICE STATION- BAGHBAR
DISTRICT- BARPETA
ASSAM

PIN- 781308

4:ABDUL HANIF
SON OF ABDUR RASHID
RESIDENT OF VILLAGE- DIGIRPAM
POST OFFICE- NIRALA
MOUZA- MANDIA
POLICE STATION- BAGHBAR
DISTRICT- BARPETA
ASSAM
PIN- 78130

Advocate for the Petitioner : MR T KALITA, MR. A KAKATI

Advocate for the Respondent : ,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 06-03-2026

Heard Mr. T. Kalita, learned counsel for the petitioner. None appears for the respondents on call, though notice was served upon the respondent Nos.1—4 by *dasti* mode.

2. In this petition, under Article 227 of the Constitution of India, the petitioner has challenged the order dated 20.08.2024, and also the order dated 25.06.2025, passed by the learned Member, Motor Accident Claims Tribunal (MACT), Barpeta, in MAC Case No.432/2022. It is to be noted here that vide impugned order dated 20.08.2024, the learned Member, MACT, Barpeta, has directed to proceed with the case ex-parte against the present petitioner. And vide order dated 25.06.2025, the learned tribunal had rejected the petition No. 1630/25, filed by the petitioner for vacating the ex-parte order dated 20.08.2024.

3. Mr. Kalita, learned counsel for the petitioner submits that the respondents herein have filed a claim petition before the learned Member, MACT, Barpeta, for granting compensation on account of the death of their son Mohibul Molla, on 17.07.2022, due to

the injuries sustained by him in a motor accident that took place on 11.07.2022, at Satrakanara Seat No.9, under Baghbar Police Station.

4. Mr. Kalita further submits that the petitioner herein i.e. Bajaj General Insurance Company Limited, who is the insurer of the motor cycle involved in the accident, received notice from the Tribunal on 09.05.2023, but on account of the investigation being carried out by the petitioner and awaiting submission of accident information report from the police authority, the written statement could not be filed in time and they could file it only on 25.06.2025. But before that date, vide order dated 20.08.2024, the learned Tribunal had decided to proceed ex-parte on the ground that despite granting of sufficient time, the petitioner herein had failed file written stamen. Thereafter, enclosing the written statement, the petitioner had filed an application for acceptance of the same. But, vide impugned order, dated 25.06.2025, in MAC Case No.432/2022, the learned Tribunal had rejected the same on the ground of the same being filed beyond the period of limitation. It is the submission of Mr. Kalita that the reason for failing to file the written statement is explained duly in the present petition and if the written statement, which the petitioner has enclosed with the Petition No.1630/2025, the petitioner would not be able to led evidence and in that case, serious prejudice will be caused to the petitioner and under such circumstances, Mr. Kalita has contended to set aside the impugned order and to direct the learned Tribunal to accept the written statement and to proceed with the case in accordance with law.

5. Having heard the submission of Mr. Kalita, learned counsel for the petitioner, this Court has carefully gone through the petition and the documents placed on record and also perused the impugned orders dated 20.08.2024, and 25.06.2025.

6. Admittedly, the petitioner herein has received the notice on 09.05.2023, and thereafter, it had filed several petitions seeking time to file written statement. And ultimately, vide impugned order dated 20.08.2024, rejecting the petition No. 3416/24 directed to proceed ex-parte against the petitioner. Thereafter on 25.06.2025, the petitioner herein had filed an application No. 1630/25 for vacating the ex-parte order and

to accept the written statement that was enclosed with the said petition. Thereafter, hearing learned counsel for both side the learned Tribunal had dismissed the same.

7. It also appears that the written statement, along with the application to accept the same was filed only on 25.06.2025, after more than 2 years.

8. Further appears that though the petitioner has explained the ground for delay in filing the written statement, in paragraph Nos.6, 7, 8, 9 and 10 of the present petition, yet, the statement and averment made in the said paragraphs, to the considered opinion of this court, failed to sufficiently explain the delay of 2 years in filing the written statement. Waiting for accident information report from the police authority, and investigation carried out by engaging its own investigators and preparation of written statement only after receipt of necessary instruction from the petitioner company, as the ground for delayed filing of the written statement, as explained in paragraph Nos.6 and 7, cannot be sufficient ground to to accept the written statement beyond 2 years.

9. It is to be noted here that Section 166 is one of the benevolent provision of the Motor Vehicles Act, which aimed at providing compensation for victims of road accident ensuring financial protection to the victims of motor accident. If the grounds assigned for delayed filing of the written statement, which are far from satisfactory, is accepted, then it will frustrate the object behind enacting the benevolent provision and also caused serious prejudice to the victims.

10. In that view of the matter, this Court is of the view that the impugned order suffers from no perversity requiring any interference of this court.

11. In the result this court finds this petition devoid of merit and accordingly, the same stands dismissed, leaving the petitioner to bear its own cost.

JUDGE

Comparing Assistant