GAHC010125522024

2026:GAU-AS:17437

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

Case No. : Review.Pet./107/2024

PROTUL SARMA BARUAH
S/O LATE MANIK SARMA BARUAH @ LATE MANIK CH. BARUAH ,
RESIDENT OF CHANDMARI WARD NO. 10, PO, PS AND DIST GOLAGHAT,
ASSAM 785621

VERSUS

NATIONAL INSURANCE COMPANY LTD AND 2 ORS
REGIONAL OFFICE AT LOHIA MANSION, G.S. ROAD, BHANGAGARH,
GUWAHATI-781005, REP. BY THE REGIONAL MANAGER, GUWAHATI
REGIONAL OFFICE, BHANGAGARH, GUWAHATI-781007

2:MISS SUNIA BORAH
D/O LATE NAREN BORAH
R/O VILLAGE SANTIPUR
PO DERGAON
PS DERGAON
DIST. GOLAGHAT
ASSAM
PIN-785614

3:SMTI. BITUPAN BORAH
S/O LATE NAREN BORAH
R/O VILLAGE SANTIPUR
PO DERGAON
PS DERGAON
DIST. GOLAGHAT
ASSAM
PIN-78561

Advocate for the Petitioner : MR S KHOUND, MR. R K SARMA

Advocate for the Respondent : MS F N ZAMAN (R-1), MRS. S ROY(R-1)

:: BEFORE ::

(HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA)

O R D E R

25.11.2026

Heard Mr. S. Khound, the learned counsel for the review petitioner. Also heard Mrs. S. Roy, the learned counsel appearing for the Respondent No.1.

2. The present petition has been filed under Section 114 of the Code of Civil Procedure, 1908 praying for reviewing the of the judgment and order dated 28.05.2024 passed by this Court in MAC Appeal No.66/2021.

3. On 18.03.2014, the motor accident involving the Maruti Car bearing Registration No.AS-05-9822 had taken place. One person, namely- Saru Bora died in that accident. A claim petition was filed before the Tribunal at Golaghat, which was registered as MAC Case No.74/2014. The present petitioner was driving the said car.

4. During investigation by the Insurance Company, the driving licence was found valid up-to 18.07.2010. The District Transport Officer confirmed the fact by issuing Letter No.2946 dated 28.05.2015.

5. The learned Tribunal awarded a compensation of ₹1,71,669/- along with interest at the rate of 6% per annum to be calculated from the date of filing of the claim petition. The Insurance Company was directed to pay the said amount.

6. In the Accident Information Report i.e. Ext.1, it was mentioned that the driver of the said Maruti Car had a valid driving licence, which was valid up-to 15.07.2015.

7. Challenging the aforesaid judgment dated 03.02.2021 passed by the learned Tribunal at Golaghat, the claimants filed an appeal being MAC Appeal No.66/2021 before this Court praying for enhancement of the compensation amount.

8. The Insurance Company again reiterated that the driver of the vehicle did not have a valid driving licence on the day of the accident as the said driving licence was valid up-to 18.07.2010 only.

9. Finally, this Court enhanced the compensation amount to ₹6,99,640/-.

10. This Court accepted the plea of the Insurance Company that on the day of the accident, the driver of the said Maruti Car did not have a valid driving licence and directed the Insurance Company to pay

the money and to recover the same from the owner of the vehicle.

11. By filing this petition review petition by the owner of the said Maruti Car, it has been pleaded that he had a valid driving licence on the day of the accident. He had submitted a Certificate issued by the District Transport Officer at Golaghat, which certified that the driving licence was valid up to 15.07.2015.

12. I have considered the submissions made by the learned counsels of both sides.

13. The fact pleaded in this review petition was not pleaded at the time of hearing of the appeal though the present petitioner was a party in the said appeal. The petitioner had a valid driving licence, valid up to 15.07.2015 is a fact that has to be proved by the petitioner. Now, in this review petition, this is not possible.

14. The petitioner has to approach the Tribunal when the execution proceeding would start. At that time, the Tribunal would inquire into the matter. The parties shall have to adduce evidence. If it is proved before the tribunal that on the day of the accident, the driver of the Maruti Car had a valid driving licence, then the Insurance Company shall not be entitled to recover the money from the owner of the vehicle.

15. With the aforesaid direction, the review petition is disposed of accordingly.

The T.C.R. shall be sent back immediately.

JUDGE

Comparing Assistant