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

Case No. : Review.Pet./150/2026

SMTI. JUNEY ROSE KHARPRAN AND 2 ORS.
W/O LATE SHAHBOK NONGKHLAW, R/O VILL- MALIDAHAR, P.S.- KATIGORAH, DIST- CACHAR, ASSAM, PIN- 788815

2: MISS JUNECY NYLLA DASHISHA KHARPRAN
D/O LATE SHAHBOK NONGKHLAW
R/O VILL- MALIDAHAR
P.S.- KATIGORAH
DIST- CACHAR
ASSAM
PIN- 788815

3: MISS DAKAMEAI FAVIE JANE KHARPRAN
D/O LATE SHAHBOK NONGKHLAW
R/O VILL- MALIDAHAR
P.S.- KATIGORAH
DIST- CACHAR
ASSAM
PIN- 788815 (BEING MINOR
REPRESENTED BY PETITIONER NO. 1

VERSUS

ICICI LOMBARD GENERAL INSURANCE CO. LTD. AND 2 ORS.
HAVING ITS REGISTERED OFFICE AT ICICI BANK TOWERS, BANDRA KURLA COMPLEX, MUMBAI- 400051, ITS ZONAL OFFICE AT 7TH FLOOR, APEEJAY HOUSE, 15 PARK STREET, KOLKATA- 700016, BRANCH OFFICE AT MAYUR GARDEN, G.S. ROAD, BHANGAGARH, GUWAHATI- 781005, REPRESENTED BY THE LEGAL MANAGER, GUWAHATI BRANCH OFFICE

2:SURESH CHAND
S/O SRI SONDAN SINGH
R/O HOUSE NO. 22
BICHPURIA

USHARANI KUMBER
DIST- BHARATPUR
RAJASTHAN
PIN- 321201

3:GANGA RAM SINGH
S/O SRI CHHIDI SINGH
R/O USHARANI KUMBER
DIST- BHARATPUR
RAJASTHAN
PIN- 32120

Advocate for the Petitioner : MR. M TALUKDAR,

Advocate for the Respondent : MR. R GOSWAMI,

BEFORE

HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

05.10.2026

1. Heard Mr. M Talukdar, the learned counsel for the review petitioners. Also heard Ms. D Goswami, the learned counsel for the respondent No. 1.

2. This application under Order XLVII read with Section 151 & 152 of the Code of Civil Procedure, 1908 has been filed by the petitioners/ claimants praying for review of the judgment and order dated 17.08.2026 passed in MAC App No. 171/2016 and CO No. 16/2017.

3. The facts relevant for consideration of the instant review application, in brief, are that the present respondent, namely, ICICI

Lombard General Insurance Company had preferred a MAC Appeal bearing MAC App No. 171/2016 Impugning the judgment and award dated the 18.03.2016 passed by the Motor Accident Claims Tribunal, Cachar in MAC Case No. 679/2013.

4. It is pertinent to mention here that the appeal was initially filed by M/s Bharti AXA General Insurance Company Limited. However, by order dated 18.11.2022 passed in IA (Civil) No. 2339/2022, the original appellant, namely, Bharti AXA General Insurance Company Limited was substituted by the new appellant, namely, ICICI Lombard General Insurance Company Limited as the original appellant had transferred its general insurance business to the ICICI Lombard General Insurance Company Limited. In the original memo of appeal, the claimants were arrayed as respondent Nos. 1,2,3 and 4 along with two other respondents. The respondent No. 4 was Smt. Thngoi Nongkhlaw, who was the mother of the deceased, Late Shahbok Nongkhlaw.

5. The said appeal was disposed of by this Court on 17.08.2026, whereby the appellant insurance company was directed to pay a compensation amount of Rs. 46,66,667/- to the claimants, including the mother, widow, and minor children of the deceased.

6. The learned counsel for the Petitioners, Mr. M Talukdar, has submitted that the instant review petition has been filed by the petitioners/claimants seeking modification of the aforesaid judgment in as much as during the pendency of the aforementioned MAC appeal, the claimant number 4, namely, Smt. Thngoi Nongkhlaw (mother of the deceased) had expired on 05.08.2021. He further submits that the said

fact was informed by the learned counsel for the claimants to the court on 18.07.2024 and a prayer was made for striking out the name of the claimant No. 4 from the memo of appeal as well as from the connected cross-objection. He further submits that accordingly, this court by its order dated 18.07.2024 directed the name of the respondent No. 4, namely, Smt. Thngoi Nongkhlaw to be strike out from the memo of appeal as well as from the cross-objection.

7. However, in the judgment under review, this court had mentioned in paragraph Nos. 21 and 22 that the mother of the deceased is also entitled to get share of the compensation awarded to the claimants. The learned counsel for the petitioners submits that since the mother of the deceased has already expired, the share of the mother of the deceased in the awarded compensation may be allowed to be disbursed to the legal heirs of the mother of the deceased.

8. The learned counsel for the petitioners has further submitted that the Motor Accident Claims Tribunal has awarded the compensation with an interest at the rate of 9% per annum from the date of filing of the claim petition till realization. However, in the judgment under review has not mentioned anything about the interest to be paid on the awarded compensation. As such, some clarification is required in that aspect also. The learned counsel for the petitioners, accordingly, submits that the judgment dated 17.08.2026 passed in MAC Appeal No. 171/2016 and CO No. 16/2017 may accordingly be reviewed.

9. The learned counsel for the Insurance Company has raised no objection with the prayer made by the learned counsel for the

petitioners.

10. I have considered the submissions made by the learned counsel for both sides and have gone through the records of this case.

11. Though, the finding of this court in the judgment under reviewed that the mother of the deceased is also entitled to get share of the compensation, which was awarded, does not merit a reconsideration,however, since she has already expired, her share may be disbursed to her legal heirs in equal proportions. It is also clarified that the share of the mother in the total awarded compensation may be Rs. 2,00,000/- only.

12. It is also clarified herein that since the Tribunal had awarded interest @ 9% per annum of the awarded compensation, same interest shall be payable on the compensation awarded by this court from the date of filing of the claim petition before the Tribunal till realization.

13. With the above clarification, this review petition stands disposed of.

JUDGE

Comparing Assistant