GAHC010019672024

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

Case No. : MACApp./376/2026

THE NEW INDIA ASSURANCE CO. LTD
A COMPANY REGISTERED UNDER THE COMPANIES ACT, 1956. REP. BY ITS REGIONAL MANAGER, G.S. ROAD, GUWAHATI- 7.

VERSUS

BORNALI GOGOI AND 8 ORS F
W/O LATE PALASH GOGOI @ PALAKSH GOGOI @ POLAKH GOGOI, VILL.- JERAI DIGHALIBARI GAON, P.O.- PANITOLA, P.S.- CHABUA, DIST.- TINSUKIA, ASSAM- 786183.

2:JASHMIN GOGOI
D/O LATE PALASH GOGOI @ PALAKSH GOGOI @ POLAKH GOGOI

VILL.- JERAI DIGHALIBARI GAON

P.O.- PANITOLA
P.S.- CHABUA
DIST.- TINSUKIA
ASSAM- 786183.

3:NAVASHREE GOGOI
D/O LATE PALASH GOGOI @ PALAKSH GOGOI @ POLAKH GOGOI

VILL.- JERAI DIGHALIBARI GAON

P.O.- PANITOLA
P.S.- CHABUA
DIST.- TINSUKIA
ASSAM- 786183.

5:PRAKASH SHAH
S/O NANDU SHAH

R/O UCHAMATI
DOOMDOOMA
P.O.- DOOMDOOMA
P.S.- DOOMDOOMA
DIST.- TINSUKIA
ASSAM- 786125.

7:THE NATIONAL INSURANCE CO. LIMITED
DOOMDOOMA BRANCH
HAVING ITS DIVISIONAL OFFICE AT RANGAGORA ROAD
TINSUKIA
PLAZA COMPLEX 2 FLOOR
TINSUKIA
P.O.- TINSUKIA
P.S.- TINSUKIA
DIST.- TINSUKIA
ASSAM
PIN- 786125

Advocate for the Petitioner : MRS B ACHARYA, MR. A ACHARYA

Advocate for the Respondent : , MS P PHUKAN (r-7),MR. M MORE (R-1,2,3),MR. N D SARMA (R-1,2,3)

Linked Case : I.A.(Civil)/2326/2026

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A COMPANY REGISTERED UNDER THE COMPANIES ACT
1956. REP. BY ITS REGIONAL MANAGER
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PIN- 786125.

Advocate for : MRS B ACHARYA
Advocate for : appearing for BORNALI GOGOI AND 8 ORS F

BEFORE
HONOURABLE MRS. JUSTICE YARENJUNGLA LONGKUMER

ORDER

23.09.2026

1. This instant appeal has been preferred against the judgment and award dated 22.06.2023 passed by the Additional Member No. 2, MAC Tribunal, Tinsukia in MAC Case No. 40/2012.

2. Heard Mr. A. Acharya, the learned counsel for the appellant. Also heard Mr. M. More, the learned counsel for respondent Nos. 1, 2 and 3.

3. The instant appeal has been preferred by the New India Assurance Company mainly on the ground that the learned Tribunal had wrongly awarded the monthly income of the deceased as Rs. 20,000/- per month without any income tax return or without any documents to prove the income of the deceased and there is also no finding as to how the Tribunal has calculated the income of the deceased to be Rs. 20,000/- per month.

4. Appeal is admitted.

5. Call for the records from the learned MAC Tribunal, Tinsukia.

6. Since all the respondents are represented, no formal notice is called for.

7. The impugned judgment and award dated 22.06.2023 passed by the Additional Member No. 2, MAC Tribunal, Tinsukia in MAC Case No. 40/2012 shall remain stayed subject to the condition that the appellant shall deposit 50% of the awarded amount before the Registry of this court within 6 weeks from today.

8. Upon deposit of the same amount, the Registry shall disburse the said deposited amount to the claimant/respondent No. 1 upon proper identification and verification and upon execution of indemnity bond.

9. Let this matter be listed after four weeks.

JUDGE

Comparing Assistant