

GAHC010208742021



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

**Case No. : MACApp./77/2022**

ICICI LOMBARD GENERAL INSURANCE COMPANY LTD.  
HAVING ITS REGISTERED OFFICE AND HEAD OFFICE AT ICICI BANK  
TOWERS, BANDRA KURLA COMPLEX, MUMBAI 400051, ITS ZONAL  
OFFICE AT APEEJAY HOUSE, 15 PARK STREET, 7TH FLOOR, KOLKATA  
700016 AND A BRANCH OFFICE AT 3ED FLOOR, OFFICE NO. 305 AND 306,  
KAMAKHYA TOWER, G.S ROAD, GUWAHATI 781005, ASSAM

VERSUS

GOPA DAS AND 3 ORS.  
W/O LATE BHUPESH CH. DAS,  
RESIDENT OF VILLAGE NILIBARI, PO SIMLAGURI, PS DHALIGAON, DIST  
CHIRANG, BTAD, ASSAM, 783385

2:SRI JOYDEEP DAS

S/O LATE BHUPESH CH. DAS

RESIDENT OF VILLAGE NILIBARI  
PO SIMLAGURI  
PS DHALIGAON  
DIST CHIRANG  
BTAD  
ASSAM  
783385

3:ON THE DEATH OF SANTALA BASUMATARY HIS LEGAL HEIRS  
S/O LATE SONI RAM BASUMATARY

RESIDENT OF VILLAGE GOSSAIGAON  
PO RANCHAUDHAM  
DIST CHIRANG

ASSAM  
783372.  
(OWNER OF THE VEHICLE NO. AS-19/H-0349 (M/C)

3.1:BHARATI BASUMATARY  
(WIFE) 46 YEARS  
RESIDENT OF VILLAGE GOSSAIGAON  
PO RANCHAUDHAM  
DIST CHIRANG  
ASSAM  
783372.

3.2:DWITUN BASUMATARY  
AGE 30 YEARS  
RESIDENT OF VILLAGE GOSSAIGAON  
PO RANCHAUDHAM  
DIST CHIRANG  
ASSAM  
783372.

3.3:MANORANJAN BASUMATARY  
AGE 26 YEARS  
RESIDENT OF VILLAGE GOSSAIGAON  
PO RANCHAUDHAM  
DIST CHIRANG  
ASSAM  
783372.

3.4:BISHNU JYOTI BASUMATARY  
AGE 18 YEARS  
RESIDENT OF VILLAGE GOSSAIGAON  
PO RANCHAUDHAM  
DIST CHIRANG  
ASSAM  
783372.

4:TABRA BRAHMA  
S/O LATE ABATH BRAHMA  
RESIDENT OF VILLAGE SOUTH KAJOLGAON  
PO SIMLAGURI  
DIST CHIRANG  
BTC  
ASSAM  
783381  
(DRIVER OF THE VEHICLE NO. AS-19/H-0349 (M/C)

5:STATE OF ASSAM  
REPRESENTED B

**Advocate for the Petitioner : MR. R GOSWAMI, MR S K BEHARA,MS. P BORTHAKUR**

**Advocate for the Respondent : MR. M KHAN, MS CHITRALEKHA DAS (R-3.1. to 3.4),MR. K R PATGIRI (R-3.1. to 3.4),MR R ISLAM,MR. J RAHMAN,FOR CAVEATOR**

Linked Case : I.A.(Civil)/339/2022

ICICI LOMBARD GENERAL INSURANCE COMPANY LTD.  
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TOWERS  
BANDRA KURLA COMPLEX  
MUMBAI 400051  
ITS ZONAL OFFICE AT APEEJAY HOUSE  
15 PARK STREET  
7TH FLOOR  
KOLKATA 700016 AND A BRANCH OFFICE AT 3ED FLOOR  
OFFICE NO. 305 AND 306  
KAMAKHYA TOWER  
G.S ROAD  
GUWAHATI 781005  
ASSAM

VERSUS

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RESIDENT OF VILLAGE NILIBARI  
PO SIMLAGURI  
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ASSAM  
783385

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S/O LATE BHUPESH CH. DAS

RESIDENT OF VILLAGE NILIBARI  
PO SIMLAGURI  
PS DHALIGAON

DIST CHIRANG  
BTAD  
ASSAM  
783385

3:SRI SANTALA BASUMATARY  
S/O LATE SONI RAM BASUMATARY

RESIDENT OF VILLAGE GOSSAIGAON  
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DIST CHIRANG  
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S/O LATE ABATH BRAHMA  
RESIDENT OF VILLAGE SOUTH KAJOLGAON  
PO SIMLAGURI  
DIST CHIRANG  
BTC  
ASSAM  
783381  
(DRIVER OF THE VEHICLE NO. AS-19/H-0349 (M/C)

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Advocate for : MR. R GOSWAMI  
Advocate for : MR. M KHAN appearing for GOPA DAS AND 3 ORS.

Linked Case : I.A.(Civil)/471/2024

ICICI LOMBARD GENERAL INSURANCE COMPANY LTD.  
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7TH FLOOR  
KOLKATA 700016 AND A BRANCH OFFICE AT 3RD FLOOR  
OFFICE NO. 305 AND 306  
KAMAKHYA TOWER  
G.S ROAD  
GUWAHATI 781005  
ASSAM

VERSUS

GOPA DAS AND 3 ORS.  
W/O LATE BHUPESH CH. DAS  
RESIDENT OF VILLAGE NILIBARI  
PO SIMLAGURI  
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ASSAM  
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(OWNER OF THE VEHICLE NO. AS-19/H-0349 (M/C)

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S/O LATE ABATH BRAHMA  
RESIDENT OF VILLAGE SOUTH KAJOLGAON  
PO SIMLAGURI  
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BTC  
ASSAM  
783381  
(DRIVER OF THE VEHICLE NO. AS-19/H-0349 (M/C)

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Advocate for : MS. M SAIKIA  
Advocate for : MR. M KHAN appearing for GOPA DAS AND 3 ORS.

Linked Case : I.A.(Civil)/472/2024

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RESIDENT OF VILLAGE SOUTH KAJOLGAON  
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ASSAM  
783381  
(DRIVER OF THE VEHICLE NO. AS-19/H-0349 (M/C)

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Advocate for : MR. R GOSWAMI  
Advocate for : MR. M KHAN appearing for GOPA DAS AND 3 ORS.

Linked Case : I.A.(Civil)/473/2024

ICICI LOMBARD GENERAL INSURANCE COMPANY LTD.  
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Advocate for : MR. R GOSWAMI  
Advocate for : MR. M KHAN appearing for GOPA DAS AND 3 ORS.

**BEFORE**  
**HONOURABLE MRS. JUSTICE MARLI VANKUNG**

**ORDER**

Date : 13.05.2025

Heard Mr. R. Goswami, learned counsel for the appellant. Also heard Mr. A.K. Das appearing on behalf of Mr. M. Khan, learned counsel for

respondent Nos. 1 & 2.

Mr. R. Goswami, learned counsel for the appellant submits that the presence of the Govt. Advocate is necessary in this case and further submitted that the name of the Govt. Advocate has not been reflected in the cause list in spite of this Court's Order dated 03.04.2025 and 19.11.2025.

In view of the above submissions, the Registry to reflect the name of the Govt. Advocate, whose presence is necessary to appear as respondent No. 5 in the cause list.

List the matter after 1 (one) week on **26.05.2025**.

**JUDGE**

**Comparing Assistant**