

GAHC010124422018



2026:GAU-AS:12740

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

Case No. : MACApp./588/2018

SMT PRATIMA DEVI AND ANR
W/O LATE PURNAMAL NATH
R/O VILLAGE PUB KAWAIMARI
GARUKHUNDA, KAMPUR
DIST NAGAON, ASSAM

2: SRI NABAJYOTI NATH
MINOR SON OF THE DECEASED
NOW HE ATTAINED MAJORITY
R/O VILLAGE PUB KAWAIMARI
GARUKHUNDA
KAMPUR
DIST NAGAON
ASSA

VERSUS

THE REGIONAL MANAGER UNITED INDIA INSURANCE COMPANY LTD
AND 2 ORS
GS ROAD, CHRISTAIN BASTI, PS DISPUR, GUWAHATI 07
INSURER OF THE OFFENDING VEHICLE NO. AS-09-C-0618(TRUCK)

2:MRS MINTI HAZARIKA
W/O MR JYOTI PD. HAZARIKA
VILLAGE KUMARGAON
SENCOWA
PS NAGAON SADAR
DIST NAGAON
ASSAM
OWNER OF THE OFFENDING VEHICLE NO. AS-09-C-0618 (TRUCK)

3:SRI LALIT BANIA
S/O LATE PUTIN BANIA
R/O MONOHARGAON

PS KAMPUR
DIST NAGAON
ASSAM
DRIVER OF THE OFFENDING VEHICLE NO AS-09-C-0618 (TRUCK

Advocate for the Petitioner : MR D K KALITA, MR. K K PARASAR

Advocate for the Respondent : MR. R C PAUL (R1), MS. P DEBNATH (R1),MR. M A LASKAR (R2)

:: BEFORE ::

(HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA)

Advocate(s) for the Appellant(s) : Mr. D.K. Kalita,
Advocate.

Advocate(s) for the Respondent(s): Mr. R.C. Paul,
Advocate.

Date on which judgment is reserved: 09.06.2026.

Date of pronouncement of judgment: 03.09.2026.

Whether the pronouncement is of the
operative part of the judgment? :YES.

Whether the full judgment has been
pronounced? :YES.

JUDGMENT AND ORDER (CAV)

Heard Mr. D.K. Kalita, the learned counsel representing the appellant as well as Mr. R.C. Paul, the learned counsel appearing for the Respondent No.1 Insurance Company.

2. This is an appeal under Section 173 of the Motor Vehicles Act, 1988 against the judgment and award dated 14.03.2018 passed by the learned Addl. District Judge (FTC) No.3-cum-Member, Motor Accident Claims Tribunal, Kamrup(M) Guwahati in MAC Case No.1039/2013.

3. On 16.05.2013 at about 2.30 P.M., the deceased was driving a motorcycle. He was driving by the side of the road. Suddenly, a vehicle bearing Registration No.AS-09-G-0618 (Truck) hit the deceased

from the back side. It is alleged that the said vehicle was driven in a rash and negligent manner. The deceased died instantly. A police case being Kampur P.S. Case No.112/2013 was registered. The wife and the son of the deceased filed the claim petition before the Tribunal seeking compensation of ₹45,000,00/-.

4. The Insurance Company (Respondent No.1) contested the case before the Tribunal by claiming that both the vehicles were responsible for the accident.

5. On the basis of the pleadings, the tribunal framed the following issues:

i. Whether the victim late Purnamal Nath died as a result of the injuries sustained by him in the alleged road accident occurred on 16.05.23013 at Kampur Kachua Road, in front of Dakhin Kampur High School under Kampur Police Station, Dist- Nagaon, Assam involving vehicle No.AS-09-G-0618 (Truck)?

ii. Whether the claimant is entitled to get any compensation, if so, to what extent and by whom amongst the opposite parties will be payable?

6. At the time of hearing, the claimants examined three witnesses. The Insurance Company did not examine any witnesses. On the basis of the evidence on record, the Tribunal held that the motorcycle of the deceased was equally responsible for the accident and therefore, directed the Insurance Company to pay 50% of the total amount of compensation of ₹33,66,144/- to the claimants.

7. The claimants filed this appeal on the ground that they are entitled to receive the entire amount of ₹33,66,144/- because the motorcycle of the deceased did not contribute to the accident. The appellants claimed that the motorcycle of the deceased was hit from the back side.

8. I have considered the submissions made by the learned counsels for both sides.

9. The claimant Pratima Devi has claimed in her evidence that the motorcycle of her husband was hit from the back side. In her cross-examination, she has admitted that she had not seen the accident.

10. The witness Bakul Nath also stated in his evidence that the motorcycle was hit from the back side. In his cross-examination, he only claimed that since the deceased was working in a school as Assistant Teacher and that is the reason why he knew the deceased.

11. I have carefully gone through the evidence.

12. Hitting the motorcycle from behind does not mean that the motorcycle did not contribute to the accident. The claimants did not adduce proper evidence to come to a definite conclusion that the motorcycle of the deceased never contributed to the accident. For lack of evidence, at this stage, this Court is bound to accept the view of the Tribunal that when two vehicles were involved in the accident, each of them was equally liable.

13. Under the aforesaid circumstances, this Court is of the opinion that the appeal is devoid of merit and stands dismissed accordingly.

The record of the Tribunal shall be returned.

JUDGE

Comparing Assistant