

ASSN050001672025



BEFORE THE **MEMBER,**
MOTOR ACCIDENT CLAIMS TRIBUNAL
AT SONITPUR, TEZPUR, ASSAM.

PRESENT: **A. J. BORAH**, LL.M., AJS
Member, MACT,
Sonitpur, Tezpur.

Tuesday, **11th** day of **August, 2026**

MAC (PD) Case 4 of 2025

u/s 166 of Motor Vehicles Act

The Inspector General,
Frontier Headquarters,
Sashastra Seema Bal,
Agnigarh Road,
PO & PS Tezpur,
Sonitpur.

... Claimant

vs.

1. Sameer Dutta,
s/o Late Dhiren Chandra Dutta,
r/o Sorbhog Town,
PS Sorbhog, Barpeta.
Presently residing at
Dekargaon Railway Colony
(Owner/Driver of AS-12-AH-6141)
2. Reliance General Insurance,
Guwahati.
(Insurer of AS-12-AH-6141) ... O.P.s

APPEARANCE:

For the Claimant:	Ms. Rekha Rani Saikia , Advocate.
For the OP No. 1:	Mr. Anukul Kalita , Advocate.
For the O.P.No.2:	Mr. Diplu Baruah , Advocate.

Evidence recorded on:	07-05-2026, 16-06-2026.
Arguments heard on:	01-08-2026.
Judgment delivered on:	11-08-2026.

J U D G M E N T

- 1.** Claimant's petition u/s 166 of the Motor Vehicles Act, 1988 (hereinafter 'the MV Act') concerns with a prayer to grant compensation of ₹2,81,040/- for damage caused to Scorpio-N vehicle bearing registration no. AS-12-AJ-2804 in a road traffic accident on 20-04-2025 at 5:20 PM at Jali, 12th Mile, Bhalukpong.
- 2.** The terse facts follow as thus. On 20-04-2025 at 5:20 PM, a vehicle bearing registration no. AS-12-AH-6141, driven by O.P.No.1, from Tezpur towards Bhalukpong, veered on the wrong side and hit two vehicles knocking them down. Out of the hit vehicles, one is Scorpio-N bearing registration no. AS-12-J-2804, parked on roadside, was damaged. A case was registered u/s 281/125(a) BNS as against the owner and driver of the offending vehicle. During the trial, the learned Court of the CJM, Sonitpur convicted the accused (O.P.No.1) in PR Case 519/25 and sentenced him u/s 281 BNS to pay a fine of ₹1,000/- i/d to SI for six days and u/s 125(a) BNS to pay fine of ₹1,000/- i/d to SI. It is contended that the accident took place due to fault and rash/negligent driving of the O.P.No.1 (driver) of the offending vehicle. The claimant seeks ₹2,81,040/- as compensation for damage to his car.
- 3.** The O.P.No.1 filed written-statement contending that the claim petition is not maintainable in its present form and it has no cause of action and that the claim petition is bad for non-joinder of the owner of the third vehicle involved in the alleged accident and that this Tribunal has no jurisdiction to entertain

the claim petition as the alleged place of occurrence falls in the State of Arunachal Pradesh, which is beyond the territorial jurisdiction of this Tribunal. It is contended that the answering O.P. is a skilled driver and holds a valid driving license vide DL No. AS12 201700116 and that the offending vehicle is duly insured with Reliance General Insurance Co. Ltd. vide Policy No. 991792323740014876 valid from 06-09-2023 to 05-09-2026. Answering OP contends that the claimant is not entitled to the compensation and prayed for dismissal of the claim petition.

4. O.P.No.2 filed written-statement contending that claim petition is not maintainable in law and on facts. It is contended that the alleged accident took place due to sole negligence on the part of the driver of another vehicle AS-12-AJ-2804 (Scorpio-N) only and hence, the claimant is not entitled to any compensation as sought for as the insurer of Scorpio-N is liable to pay the compensation as per OD claims more so when third-party claims is not maintainable in this claim. The answering OP seeks protection u/s 147/149 of the MV Act and that the O.P.No.1 as well as the police authority did not comply with the mandatory provisions of Ss. 134(c) and 158(6) of the MV Act. Answering O.P. denied that the offending vehicle (AS-12-AH-6141) was involved in the accident and that it was driven in a rash and negligent manner as alleged. It is also contended that the Scorpio-N was parked in the middle of the road without any parking light and indicator for which the accident occurred. O.P.No.2 prayed for dismissal of the claim petition.

5. Upon the pleadings, my learned predecessor-in-Tribunal framed the Issues on 16-02-2026.

ISSUES

- (1) Whether the property of the claimant got damaged in the motor accident, which took place on 20-04-2025 due to rash and negligent driving by the driver of the offending vehicle bearing registration no. AS-12-AH-6141 (Delta Fronx car)?
- (2) Whether the claimant is entitled to compensation as prayed for, and if so, from whom and to what extent?
6. For the claimant, Constable Kulvant Singh adduced evidence-on-affidavit as CW1. He identified 10 nos. of documents as **Exhibits**. CW1 was cross-examined by O.P.No.2. However, OPs did not adduce any evidence.
7. Claimant filed written-arguments. I have courteously heard the learned counsel for the claimant as well as the learned counsel for the O.P.No.2. I have perused the case-record including the evidence. My decision on the Issues is as under.

DECISION, DISCUSSIONS AND REASONS THEREOF

ISSUES No. 1 and 2

8. Both the Issues, so co-related, are taken up together for the sake of brevity and convenience.
9. For the claimant, Kulvant Singh in his evidence-on-affidavit as CW1 deposed that on 20-04-2025 at about 6 AM, a vehicle bearing registration no. AS-12-AH-6141, driven by O.P.No.1, from Tezpur towards Bhalukpong, veered on the wrong side

and hit two vehicles knocking them down. CW1 deposed that out of the hit vehicles, one is Scorpio-N bearing registration no. AS-12-J-2804, parked on roadside, was damaged. CW1 deposed that a case was registered u/s 281/125(a) BNS as against the owner-cum-driver of the offending vehicle. CW1 deposed that during the trial, the learned Court of the CJM, Sonitpur convicted the accused (O.P.No.1) in PR Case 519/25 and sentenced him u/s 281 BNS to pay a fine of ₹1,000/- i/d to SI for six days and u/s 125(a) BNS to pay fine of ₹1,000/- i/d to SI. CW1 deposed that the accident took place due to fault and rash/negligent driving of the O.P.No.1 (driver) of the offending vehicle. CW1 deposed that the damaged Scorpio-N was repaired by the department at Mahabhairav Auto Limited, Dekargaon, Tezpur incurring expenditure of ₹2,19,162/-.

- 10.** CW1 identified his driving license as **Exhibit 1**, owner particulars of AS-12-AJ-2804 as **Exhibit 2**, order dated 30-07-2025 in PRC 519/25 as **Exhibit 3**, FIR as **Exhibit 4**, charge-sheet as **Exhibit 5**, seizure lists as **Exhibits 6 & 7**, MVI reports as **Exhibits 8 & 9**, repairing bill of Mahabhairav Auto Limited as **Exhibit 10**.
- 11.** Put to cross-examination, CW1 stated that no written authorization was given to him by the competent authority to depose in this case. CW1 stated that at the time of accident, he was inside the Socrpio-N, which was parked on the left side of the road when the offending vehicle coming from Tezpur towards Bhalukpung hit two vehicles including the Scorpio. CW1 stated that he did not sustain any injury. CW1 stated that

the **Exhibit 10** is a duplicate bill. CW1 denied all suggestions so put to him.

- 12.** The documents, so exhibited (**Exhibits 2, 4 and 5**) and as proved by the claimant, leaves no scope of doubt that the claimant's Scorpio-N got damaged due to accident on the relevant date and time. The damage, as per **Exhibit 8**, reflects suspected damage in engine and gear box, right hand side front and rear doors, right hand side body, differential, right-hand side rear wheel rim and tyre in the road traffic accident. The extent and nature of damage to the claimant's car also suggests that it was hit on its right side.
- 13.** So far negligence aspect in the accident is concerned, the owner-cum-driver of the offending vehicle (Delta Fronx car) filed written-statement. Claimant's case is that the offending vehicle hit the claimant's Scorpio-N along as well as another vehicle as the offending vehicle was driven in a rash and negligent manner, by O.P.No.1. For the claimant, CW1 has fully substantiated the contentions so far negligence of the O.P.No.1 driver is concerned. Nothing was brought in CW1's cross-examination to show that the claimant has any way contributed in causing the accident. Contrarily, the O.P.No.1 (owner-cum-driver) did not lead evidence to substantiate the pleas so taken in his written-statement.
- 14.** Thus, the FIR (**Exhibit 4**), charge-sheet (**Exhibit 5**) and order dated 30-07-2025 in PRC 519/2025 (**Exhibit 3**) show the driver Sameer Kumar Dutta of the offending vehicle (Delta Fronx car) being responsible for the accident. The O.P.No.1

did not adduce any rebuttal evidence against the police papers or in support of the defense plea as taken in written-statement.

- 15.** It is well-settled that the proceedings before the Claims Tribunal are in the nature of inquiry and the finding of rash and negligent driving by driver of the offending vehicle is to be returned only at the touch stone of preponderance of probabilities. The factors noted above are sufficient to conclude that preponderance of probability is made out showing negligence of O.P.No.1 in causing the accident.
- 16.** In this regard, our Hon'ble Gauhati High Court in a reported case of *Godavari Devi Sharma & Others vs. Reliance General Insurance Company Ltd. & Others* **2012 (4) GLT 516** has held that while conducting the inquiry into a claim under Section 166 of the MV Act, the Tribunal is not expected to search for proof or evidence beyond reasonable doubt, rather it is preponderance of probability, what the tool is, for assessment of the evidence.
- 17.** CW1 has specifically attributed rash and negligent driving to the O.P.No.1 (driver of Delta Fronx car). These assertions remain un rebutted because owner-cum-driver did not lead evidence to offer any alternate explanation for the accident. The surrounding facts, namely the hitting of the claimant's Scorpio-N parked on road by a rashly driven vehicle (Delta Fronx car) and the subsequent registration of a criminal case **Exhibit 4** against the offending driver, as well as the driver of the offending vehicle pleading guilty (**Exhibit 3**) *prima facie*

shows lack of due care and control over the vehicle and consequently, points toward rash and negligent driving of the offending vehicle by O.P.No.1. Thus, the accident occurred due to the rash and negligent driving of the driver (O.P.No.1) of vehicle AS-12-AH-6141.

- 18.** From the materials available in record, it is proved that an accident took place on 20-04-2025, involving a Delta Fronx car (AS-12-AH-6141) and that the above accident occurred due to rash and negligent driving of its driver (O.P.No.1). It is also proved that in the accident, the vehicle (Scorpio-N) [driven by CW1 Kulwant Singh] got badly damaged.
- 19.** So far as to the quantum of compensation to which the claimant is entitled, during arguments, learned advocate for the claimant has vehemently argued that apart from the expenses on the repair of the damaged vehicle, this Tribunal should also take care of necessity of general, special and consequential damages.
- 20.** Let us see as to what evidence is produced by the claimant to show the expenses incurred on the repair of his damaged car. The claimant has furnished the Tax Invoice of Mahabhairav Auto Limited **Exhibit 10** showing expenditure of ₹2,19,162/-, and the claimant is entitled to get back the expenses incurred in the repair of the damaged vehicle due to accident. If the testimony of CW1 along with **Exhibit 10** is perused, it appears that expenses on repair of the damaged vehicle, amounting to ₹2,19,162/- only, to which the claimant is entitled.
- 21.** In the present case, the claimant has proved-on-record, actual

bill of ₹2,19,162/- vide **Exhibit 10** tax invoice issued by the authorized workshop (Mahabhairav Auto Limited) for repair of the damaged Scorpio. Further, no evidence to the contrary is placed by O.P.No.1, 2 side that claimant got reimbursement of said amount from the insurance company. As such, the claimant is entitled for such amount (**₹2,19,162/-**) in the present claim petition.

22. Thus, the total compensation amount to which the claimant is found to be entitled is ₹2,19,162/- [Rupees Two Lakh Nineteen Thousand One-Hundred and Sixty-Two only].

23. The question, now, is who will pay the compensation? There is no dispute at the bar that at the relevant time, the offending vehicle was driven by O.P.No.1 and further that the said vehicle was duly insured with O.P.No.2 Reliance General Insurance Co. Ltd. under Policy No. 991792323740014876 valid till 05-09-2026, thus, covering the date of the accident.

24. The OP No.1 Insurance Company duly contest the case. There is no material-on-record to show any breach of policy conditions or absence of a valid driving license or other statutory documents; rather, all required documents (DL, registration, etc.) and statutory compliances were in force. In such circumstances and in view of the subsistence of a valid insurance policy, it is held that the offending vehicle was duly insured with O.P.No.2 on the date of accident. As such, the O.P.No.2 (Reliance General Insurance Co. Ltd.) has to satisfy the award.

25. So far as the contention of the O.P.No.2 that the **Exhibit 10**

is a duplicate copy of electronic tax invoice, it is limpid that **Exhibit 10** is a tax invoice and under GST Regulations, a tax invoice for the supply of services is issued in duplicate and as **Exhibit 10** sufficiently complies with the provisions of Rule 46 of the CGST/SGST Rules, 2017, hence, it cannot be said that said **Exhibit 10** is inadmissible.

26. Dealing with the contention of O.P.No.1 that this Tribunal has no territorial jurisdiction to entertain the present claim petition, Section 166(2) of the MV Act clearly postulates that a compensation claim petition can be filed before the Tribunal having jurisdiction over the area where the accident happened or where the claimant resides or carries on business or within the local limits of whose jurisdiction the defendant resides. In the present case, as the Frontier Headquarters of the SSB is located in Tezpur, hence, this Tribunal has jurisdiction to entertain the claim petition.

27. Accordingly, both the Issues are answered as thus.

A W A R D

28. Claimant (Inspector General, Frontier Headquarters, Sashastra Seema Bal, Tezpur) is awarded ₹2,19,162/- [Rupees Two Lakh Nineteen Thousand One-Hundred and Sixty-Two only) with interest @7.5% p.a. from the date of filing of the claim-petition, that is, w.e.f. 22-10-2025 till payment, to be paid by the O.P.No.2 Reliance General Insurance Co. Ltd. within one month from today.

29. The O.P.No.2 is directed to deposit the entire amount, so awarded, before this Tribunal within 30 days from the date of

this judgment. On such deposit, the entire amount shall be released in favour of claimant The Inspector General, by way of RTGS/NEFT/IMPS or an account payee cheque, as the case may be, on proper identification, since the compensation pertains to damage of its Scorpio-N in an accident.

- 30.** The claimant (Inspector General, Frontier Headquarters, Sashastra Seema Bal, Tezpur) is directed to furnish its S/B account details along with IFSC code, etc. to this Tribunal within 10 days from today.
- 31.** Furnish a copy of this judgment, free of costs, within seven days from today, to the claimant, OP no.1, 2, by post/email for compliance.

GIVEN under my hand and seal of this Tribunal on this 11th day of August, 2026 at Sonitpur, Tezpur, Assam.

(A. J. BORAH)
Member,
MACT,
Sonitpur,
Tezpur.