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**BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL
NO.1, KAMRUP (M), GUWAHATI**

Present: Shri Utpal Rajkhowa, AJS

Member, M.A.C.T. No.1,
Kamrup (M), Guwahati



CNR No.ASKM070000622010

MAC Case No.2277 of 2010

1. Smti. Mamta Das
2. Miss Akshita Das
3. Smti. Doli Das

Claimant

-Versus-

1. New India Assurance Company Limited
2. Md. Akan Ali
3. Md. Kutub Ali

Opposite Parties

**NAME OF THE ADVOCATES WHO APPEARED IN THIS
CASE**

1. For the claimant : 1. Mr. N. Deka
2. For the Insurance Company : 1. Pranab Barman

DATES OF THE CASE

1. Claim petition filed on : 21-12-2010
2. Previous Judgment delivered on : 05-07-2014
3. Restoration of case : 18-05-2024
4. Re-Arguments heard on : 30-12-2025
5. Judgment delivered on : 25-02-2026

J U D G M E N T

1. The claim petition is filed under Section 166 of the Motor Vehicles Act, 1988 (as amended up to date) (hereinafter referred as M.V. Act) by the above mentioned claimants, praying for grant of compensation of Rs.30,00,000/- from the Opposite Parties on account of death of **Abhijit Das** in the Motor Vehicular Accident.

2. This case has been remanded back for fresh decision by the Hon'ble Gauhati High Court vide order dated 12-03-2024 in MAC App/72/2018 whereby the Hon'ble Gauhati High Court directed to consider the claims of the appellant/Opposite Party No.1 after affording reasonable opportunity to the Insurance Company to adduce their evidence to substantiate their allegations of collusion between the claimant and police. It is also directed that the claimant shall also be given to adduce their evidence to counter the allegations.

3. The brief fact of the case is that on 06-11-2010 at about 12:00 A.M., **Abhijit Das** was coming from Maligaon Chariali towards Lachit Nagar (his own residence) by riding his own motorcycle bearing registration no.AS-01-AH-3590 after finishing the Kalipuja. When he reached at Maligaon Railway Gate No.3, suddenly the vehicle bearing registration no.AS-01-AP-4138 (Santro) coming from the same direction with a very high speed and knocked down the motor cyclist from the back side. As a result, the

motorcyclist sustained grievous injuries and later the injured died at GNRC Hospital on 09-11-2010. Hence, the claim petition.

4. A case was registered at Jalukbari Police Station as Jalukbari P.S. case no.755/2010 under section 279/304(A) of the IPC.

5. Notices were issued to the Opposite Parties. Opposite Party No.1 has contested the case by filing Written Statement. Opposite Party No.2 and 3 have not appeared to contest the case in spite of receiving summons and accordingly the case was allowed to proceed ex-parte against him vide order dated 27-03-2012.

6. The **Opposite Party No.1**, New India Assurance Company Limited in its Written Statement stated that the material allegations made in the claim petition are false and the claim petition is not maintainable either on facts or in law. The claim petition is bad for mis-joinder and non-joinder of necessary parties. The claim petition is barred by principles of estoppels, waiver and acquiescence as well as the petition is misconceived, frivolous and untenable under the law and hence there is no cause of action. Opposite Party No.1 has denied the name, address, age, occupation, income of the deceased and also the name and address of the employer of the deceased. Opposite Party No.1 denies any connection between the involvement of the vehicle no.AS-01-AP-4138 (Santro), P.S.

case no.755/2010 and the alleged accident dated 06-11-2010. It denies the accidental injuries, death of the victim and amount incurred in the treatment. The liability of Opposite Party No.1 is subjected to the compliance of section 64 VB of the Insurance Act, 1938. Opposite Party No.1 is not liable to indemnify the owner if there was no valid Driving License of the driver of the vehicle causing the accident at the relevant time. The claimant and owner is asked to produce all the vehicular documents and other relevant documents of the case and driver is asked to produce its Driving License. It is submitted that the claim amount of Rs.30,00,000/- is too high and excessive. The Opposite Party No.1 denies the allegation of rash and negligence on the part of the driver of the Santro in causing the accident. Opposite Party No.1 has not received any information of the accident in Form-54 as per section 158(6) of the MV Act, 1988 and section 134(c) of the MV Act regarding involvement of the vehicle in the accident. Opposite Party No.1 craves leave of the court to take all defences available u/s 170 of the MV Act, 1988 as well as to file an additional written statement.

7. Upon hearing of the parties and on perusing the pleadings on record, the following issues have been framed in the case:

ISSUES

I. Whether the alleged motor Vehicular Accident had taken place on 06-11-2010 at

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about 12:00 A.M., near Maligaon Railway Gate No.3 under Jalukbari Police Station, Assam due to rash and negligent manner of driving on the part of the driver of the vehicle bearing registration no.AS-01-AP-4138 (Santro) and in consequence of that **Abhijit Das** had died?

II. Whether the claim petition has been filed by the claimant in collusion with the police.

III. Whether the claimants are entitled to get any compensation, if yes, to what extent and by whom amongst the Opposite Parties, the said compensation amount will be payable?

8. The claimant Smt. Mamta Das examined herself as PW-1 and examined one more witness Sri Rohit Dutt as PW-2 and exhibited a number of documents in support of her evidence. The Opposite Party No.1 has adduced two witnesses namely- Sri Nitumani Choudhury as DW-1 and Meseruddin Ahmed as DW-2 on their behalf.

9. I have heard the arguments of learned counsel for both the sides. Let us discuss the above issues in the light of evidence adduced by both parties.

DECISION AND REASONS THEREOF

ISSUE NO.I & II

10. From the claim petition as well as from the evidence of PW-1, I find that on 06-11-2010 at about

12:00 A.M., **Abhijit Das** was coming from Maligaon Chariali towards Lachit Nagar (his own residence) by riding his own motorcycle bearing registration no.AS-01-AH-3590 after finishing the Kalipuja. When he reached at Maligaon Railway Gate No.3, suddenly the vehicle bearing registration no.AS-01-AP-4138 (Santro) coming from the same direction with a very high speed and knocked down the motor cyclist from the back side. As a result, the motorcyclist sustained grievous injuries and later the injured died at GNRC Hospital on 09-11-2010. PW-1 proved Ext.1 as Accident Information Report and Ext.6 as certified copy of Charge Sheet. Ext.1 reveals that Abhijit Das was the deceased person and Md. Kutub Ali was the driver of the offending Santro Car bearing registration no.AS-01-AP-4138. After due investigation, Police has submitted charge-sheet under section 279/304(A) of the IPC against Md. Kutub Ali, the driver of the Santro Car bearing registration no.AS-01-AP-4138. Further, PW-2 Rohit Dutt in his evidence stated that on 06-11-2010 at about 12:00 A.M., he and his friend Abhijit Das were coming from Maligaon Chariali towards Lachit Nagar (their own residence) by riding their own motorcycle (Separately) after attending the Kalipuja. When they reached at Maligaon Railway Gate No.3, suddenly the vehicle bearing registration no.AS-01-AP-4138 (Santro) coming from the same direction with a very high speed and knocked down his friend Abhijit Das from the back side. PW-2 stated that he had informed the Jalukbari Police Station over mobile

phone. As a result, his friend Abhijit Das fell down on the road and sustained grievous injuries and later the injured died at GNRC Hospital on 09-11-2010. During cross-examination, PW-2 stated that the offending vehicle was also coming from the same direction and after crossing him, knocked down the deceased. The cross-examination of PW-1 & PW-2 could not twist the claimant's case in respect of rash and negligent driving of the Santro Car. In view of above evidence, I find that submission of charge sheet is the prima facie material of rash and negligent driving on the part of the driver of the alleged offending vehicle.

11. PW-1 proved Ext.2 as the Post-Mortem Report of **Abhijit Das** which reveals that the death was due to coma as a result of injuries sustained on the head. All the injuries were ante mortem and caused by blunt force impact consistent with vehicular incident.

12. The Opposite Party No.1 examined two witnesses on their behalf. DW-1 Sri Nitumani Choudhury in his evidence testified that he had filed an application dated 16-08-2024 under RTI Act to the GDE No.158 & 159 dated 06-11-2010 of Jalukbari Police Station (Tr. Br.) and responding to the said application, the Asstt. State Public Information Officer & Addl. Deputy Commissioner of Police (Admn.) Assam, had issued the extract copy of GDE No.158 & 159 dated 06-11-2010 of Jalukbari Police Station (Tr. Br.). As per GDE No.158 & 159, the rider of

motorcycle no.AS-01-AH-5390 was coming from Bharalu side towards Maligaon and dashed the divider at Maligaon Gate No.4, as a result the rider of the motorcycle sustained injury. DW-1 stated that in the GDE No.158 & 159, nowhere the vehicle no.AS-01-AP-4138 has been mentioned. During cross-examination, DW-1 stated that he did not record the statements of PW-2 i.e eye-witness of the accident. DW-1 also stated that he did not investigate whether any Santro vehicle was involved in the accident and apart from GD Entry, he did not verify any documents relating to the investigation.

13. DW-2 Meseruddin Ahmed, Retired ASI, Jalukbari Out-Post Traffic Branch in his evidence testified that on 06-11-2010 he was posted at Jalukbari P.S. (Traffic Branch) as ASI of police and on that day he was on emergency duty at Maligaon Chariali due to Diwali Festival. DW-2 stated that he was informed by a public regarding an accident at Maligaon Gate No.4 and he along with two other constables went to the place of accident. On reaching the place of occurrence he saw one person along with his motorcycle was lying on the road near the divider and did not find any near relative or friend of the injured at the place of occurrence. DW-2 stated that he sent the injured person to GMCH through 108 Ambulance along with one constable and a GD Entry was made in connection with the accident i.e. Ext.G. Further DW-2 stated that after lodging the Ejahar, he seized the Santro

vehicle bearing registration no.AS-01-AP-4138 and the statements of the registered owner and driver have been recorded. During cross-examination, DW-2 stated that he informed the O/C regarding the accident and the GD Entry was made by the writer of the GD Entry as directed by the O/C. DW-2 stated that he found the motorcycle between Gate No.3 and Gate No.4 and the place of occurrence was near Gate No.4. Further DW-2 stated that during interrogation at Police Station the driver of the Santro vehicle admitted that the Santro vehicle at the relevant time was driven by him and the vehicle knocked down the motorcycle on the day of the accident from behind. DW-2 further stated that Charge Sheet was submitted against the driver of the Santro Car and he issued the Form-54(Ext.1) where offending vehicle was shown as Santro Car which was driven by Md. Kutub Ali and he proved Ext.1(1) as his signature.

14. At the outset the on date GD Entry No.158 reveals that firstly an accident occurred at Maligaon Gate No.4 and as per on date GD Entry No.159 a motorcycle bearing registration no.AS-01-AH-5390 was involved in which the rider of the motorcycle received injuries on his person and was sent to GMCH through 108 Ambulance by Police. Here, it is stated that the accident occurred due to the rider dashed against the road divider. Subsequently during investigation, the I/O seized a Santro Car bearing registration no.AS-01-AP-4138. Now the Insurance

Company has taken the plea that the Santro vehicle was not involved and was planted by the claimant side in collusion with the Police for wrongful gain to the claimant. It is a known fact that GD Entry is the initial stage of a criminal proceeding and details of the information may not have been in the GD Entry and it does not reflect a complete investigation by police. More so, when the accident took place in the middle of the night where eye-witnesses are hardly to get by. In the instant case, the Insurance Company has adduced the evidence of the I/O of the case Meseruddin Ahmed as DW-2. During his cross-examination, DW-2 stated that during interrogation at Police Station the driver of the Santro vehicle admitted that the Santro vehicle at the relevant time was driven by him and the vehicle knocked down the motorcycle on the day of the accident from behind. Form-54 i.e. Ext.1 was also issued by DW-2 showing Kutub Ali as driver of the Santro car causing the accident.

15. The Ld. Counsel for the Insurance Company during argument also points out that there was no damage on the Santro car causing the accident and therefore the involvement of the Santro car is doubtful. In Motor Accident Claims cases, the Supreme Court has clarified that a car can be held responsible for knocking a motorcycle even if the car sustained no damage. Liability is determined by the principle of negligence and the casual connection between the car's movement and the accident,

not by the extent of damage to the heavier vehicle. Further the liability of a vehicle owner to pay compensation for injury or death is not dependent on whether their own vehicle was damaged. The Post Mortem Report also reveals that the cause of death was due to blunt force impact consistent with vehicular incident. In a motor accident case, it is not necessary to prove the manner in which the accident occurred. It only depends upon the preponderance of probabilities. The Hon'ble Supreme Court in **Mathew Alexander versus Mohammad Shafi and another** has held that "..... A holistic view of the evidence has to be taken into consideration by the Tribunal and strict proof an accident caused by a particular vehicle in a particular manner need not be established by the claimants. The claimants have to establish their case on the touchstone of preponderance of probabilities. The standard of proof beyond reasonable doubt cannot be applied while considering the petition seeking compensation on account of death or injury in a road traffic accident...."

16. The Opposite Party No.1 has failed to prove through cogent evidence that there was nexus between the police and the claimant in filing the claim petition.

17. The owner/driver has not stepped into the witness box and examines themselves and as such adverse inference shall be drawn against them.

18. It is the duty of the court to analyse the materials placed on record by the parties to ascertain whether the claimant's version is more likely than not true.

19. In **Sunita and others (Supra)** a serious defence was raised about FIR was based on wrong facts or that the FIR was filed in connivance between the complainant and the police and even a complaint had been filed to the Superintendent of Police. However, the Hon'ble Supreme Court has held that apart from such a bald assertion, no evidence was produce to prove this point. In the present case also neither any complaint was filed before the superior authority nor did the owner/driver bother to step into witness box to depose about the FIR lodged by the police against him charging rashness and negligence.

20. In **Vidya Velip's case, the Hon'ble Bombay High Court** has held that the testimony of the witness could have been disbelieved merely because, at first blush, the police may have registered the case as self-accident and later on, after following due procedure, lodged an FIR against the owner/driver. Similarly in the instant case also the evidence of PW-2 cannot be disbelieved who testified having seen the accident.

21. During argument Ld. Counsel for Opposite Party No.1 has submitted that there was no damage to the offending car and as such it was not involved in the

accident. In this regard, I find that negligence is not determined by damage. A two wheeler can be badly damaged by a speeding car without causing significant damage to the car. Further, trace of damage may not be seen if the car is seized after long time from the date of the accident.

22. The Hon'ble Supreme Court has in a catena of cases held that an Insurance Company cannot deny compensation solely because of vehicle sustained no damage or because of technicalities, as the primary focus is on the rash and negligent act causing the accident, not the damage to the offending vehicle. The Hon'ble Supreme Court ruled that liability in motor accident cases is based on the "preponderance of probabilities," not "beyond reasonable doubt," meaning the absence of damage to the car thus not absolve driver of liability if the accident resulted from their negligence.

23. The object of MV Act, 1988 is fundamentally a social legislation enacted with the objective of providing a mechanism to victims and their families to seek compensation for loss or injury result from road accident. Being a welfare legislation, it must be interpreted in a manner so as not to deprive the claimants of the benefit of the legislation.

24. It is a settled law that FIR and Charge-sheet are the indication of prima facie proof of negligence. In

this regard The Hon'ble Gauhati High Court in the case of **Godavari Devi Sarma and others Versus United India Insurance Company Ltd and others (2012) Legal Eagle (Gau) 621** has held that MACT need not search for evidence equal to a Criminal Court and proof beyond reasonable doubt need not be produced before the MACT. The Hon'ble Gauhati High Court has held that FIR alone is sufficient to prove the accident even if the Final Report is not filed by the Police.

25. In a decision **reported in 2019 (1) TAC 710(SC) Sunita & Ors Versus Rajasthan State Road Transport Corporation & Anr.** the Hon'ble Supreme Court has already stated that the claimants were merely to establish their case on the touchstone of preponderance of probability and the standard of proof beyond reasonable doubt cannot be applied by the Tribunal while dealing with Motor Accident Case.

26. In view of above, I hold that the claimant has been able to establish that it was due to negligence of the driver of the offending vehicle bearing registration no.AS-01-AP-4138 (Santro) the accident took place on 06-11-2010 at about 12:00 A.M., near Maligaon Railway Gate No.3 under Jalukbari Police Station, Assam in which **Abhijit Das** died. Hence, issue no.I & II is decided positively in favour of the claimants.

ISSUE NO.III

27. Now whether the claimants are entitled to receive any compensation and if yes, to what extent and by whom amongst the Opposite Parties the said compensation amount will be payable. The Hon'ble Supreme Court in many cases has held that the MACTs must award reasonable compensation. The reasonable compensation must not be a bonus or a windfall and at the same time should not be paltry compensation.

28. Medical Expenditure: The claimant in her evidence testified that after the accident the injured was immediately admitted at GNRC Hospital, Guwahati. But during treatment, the injured died on 09-11-2010 at the said hospital. Later, the doctor of GMCH, Guwahati conducted the Post-Mortem examination. PW-1 proved Ext.7 as Registration card of GNRC Hospital, Ext.8-9 as C.T. Scan Report, Ext.10 as Surgical Bill, Ext.11 as Interim Bill and Ext.12-42 as Prescriptions and cash memos.

29. From the exhibits of medical documents, I find that the claimant incurred an amount of Rs.45,256/- as Medical Expenditure regarding injury received in the RTA which took place on 06-11-2010. Therefore, the claimant is entitled to receive **Rs.45,256/- as Medical Expenditure.**

30. Loss of Dependency: During evidence, PW-1 testified that her husband was an employee of private company and his monthly salary was Rs.18,820/-. In this

regard, she has submitted Ext.3 as Salary Certificate and Ext.4 as Income Tax Return in Form-16. PW-1 examined Sri Rohit Dutta as PW-3. PW-3 in his evidence stated that he is working as Business Executive in Denave India Pvt. Ltd. PW-3 stated that the deceased Abhijit Das had joined their office on 23-02-2010 as Channel Sales Executive and was drawing total salary of Rs.12,460/- for the month of September, 2010. PW-3 proved Ext.45 as statement of monthly salary and Ext.45(i) as the signature of Rajesh Imkhia, Manager of Denave India Pvt. Ltd. During cross-examination, PW-3 stated that service in the said company is performance and relation based to their clients. In view of above evidence, I hold that deceased was earning Rs.12,460/- from his company namely- Denave India Pvt. Ltd.

31. P.W.1 proved Ext.2 as the Post-mortem Report of deceased **Abhijit Das** and the age mentioned in the Post-mortem Report of the deceased is 30 years. PW-1 also submitted the Pan Card and Driving License of the deceased and proved as Ext.5. As per Ext.5, the date of birth of Abhijit Das was 23-12-1980. As such, on the date of accident he was aged about 30 years. Therefore, I hold that the deceased was aged about 30 years on the date of the accident. Thus, in the light of decision of the **Sarla Verma's** case, the appropriate age group is '26-30' and multiplier shall be **17 (Seventeen)**. Thus, the **Multiplier-**

17 has to be taken for ascertaining the loss of dependency in this instant case.

32. As the deceased was below the age of 40 years and therefore there should be addition of 40% towards the future prospect, as per the decision of Hon'ble Supreme Court in the case of **Pranay Sethi (Supra)**.

33. So far as the dependency is concerned, in the claim petition it is shown that the deceased has left behind him- his wife, one minor daughter and his mother i.e. the claimants. Therefore, in terms of the judgment of the Hon'ble Supreme Court of India in '**Sarla Verma (Supra)**, I am of the view that, deduction of 1/3rd should be made to his income by way of personal expenses. Thus, the just and reasonable compensation which the claimants are entitled to has been assessed as under:

Total Monthly income	Rs.12,460 /-
Total Annual Net income	Rs.1,49,520 /- (12,460 x 12)
After deduction 1/3 rd amount comes to	Rs.1,49,520 ÷ 3 x 2 = Rs.99,680/-
Multiplier	17
After applying multiplier amount comes to	Rs. 99,680 x 17 = Rs.16,94,560/-
Future Prospect @ 40%	Rs.16,94,560 x 40 ÷ 100 = Rs.6,77,824/-
Total loss of dependency	Rs.16,94,560+ Rs.6,77,824 = Rs.23,72,384/-

34. In the instant case the claimants are also entitled to get some amounts **under Conventional Heads as per Pranay Sethi case (Supra)**. In the context of Motor Accident Claims Tribunal (MACT) cases, conventional heads such as Loss of Estate, Loss of Consortium and Funeral Expenses are pivotal in determining the compensation awarded to victims or their families. The Hon'ble Supreme Court of India in Pranay Sethi (Supra) has significantly influenced the way these compensations are calculated. The Hon'ble Supreme Court has specifically addressed the amounts payable under conventional heads such as loss of estate, loss of consortium, and funeral expenses. The Hon'ble Supreme Court held that the amounts for these heads should be Rs.15,000/- for loss of estate, Rs.40,000/- for loss of consortium and Rs.15,000/- for funeral expenses. Furthermore, the Hon'ble Supreme Court has stipulated that these amounts should be increased by 10% every three years to account for inflation and changing economic conditions. This case has completed the eight years from the date of accident. Hence, the claimants are entitled to 10% increase twice under the conventional head as per the judgment of **Pranay Sethi case (Supra)**, 2017 till the judgment and order of this case.

35. Further the Hon'ble Supreme Court in the case of **Magma General Insurance Company Versus Nanu Ram alias Chuhru Ram reported as (2018) 18 SCC**

130, the Hon'ble Supreme Court of India has elaborated on the concept of consortium. The court explained that consortium is a comprehensive term that includes "spousal consortium," "parental consortium," and "filial consortium." Spousal Consortium refers to the companionship, care, help, comfort, guidance, solace, and affection that the deceased spouse provided. Parental Consortium is granted to children for the loss of parental aid, protection, affection, society, discipline, guidance, and training due to the premature death of a parent. This is available to all children, regardless of their dependency on the deceased. Filial Consortium pertains to the companionship, care, and support that the deceased provided to their parents. In this case, the Hon'ble Supreme Court had opined that "All children of the deceased are entitled to parental consortium, the widow of the deceased is entitled to spousal consortium and the parents of the deceased are entitled to filial consortium. Accordingly, in view of the above, the claimant is entitled to spousal consortium, parental consortium, funeral expenses and loss of estate as follows:

Sl No.	Conventional Heads	Amounts
1.	Spousal Consortium	48,400
2.	Parental Consortium	48,400
3.	Funeral expenses	18,150
4.	Loss of estate	18,150
5.	Filial Consortium	48,400
Total		1,81,500

Sl No.	Heads	Amounts
1.	Medical Expenditure	45,256
2.	Loss of Dependency	23,72,384
3.	Conventional Head	1,81,500
Total		Rs.25,99,140

36. In total the claimants are entitled to get Rs.25,99,140/- (Rupees Twenty Five Lakh Ninety Nine Thousand One Hundred Forty Only) as compensation.

37. Now, let us decide who is liable to pay the compensation award to the claimants.

38. From Ext.1 (Accident Information Report), I find that the offending Santro Car bearing registration no.AS-01-AP-4138 was insured with New India Assurance Company Limited. As per Ext.1, the policy bearing no.53070531100100001929 was valid up to 09-07-2011. As per Ext.1 the Driving License no.3301/NB/06/Misc was valid up to 11-05-2012. The accident occurred on 06-11-2010. The Opposite Party No.1 has not adduced any evidence regarding invalid Driving License of the driver of the offending vehicle and Insurance Policy and therefore, I hold that at the relevant time the driver of the offending vehicle had valid Driving License. In view of above, there is no violation of the conditions of the Insurance Policy by the insured and therefore Opposite Party No.1 New India

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Assurance Company Limited is liable to pay the compensation.

39. In the light of above discussion and decision, issue no.III is decided positively in favour of the claimants.

A W A R D

40. In the result, the claim petition is allowed on contest and the claimants are entitled to get total compensation amount of **Rs.25,99,140/- (Rupees Twenty Five Lakh Ninety Nine Thousand One Hundred Forty Only)** for the death of deceased **Abhijit Das**. The Opposite Party No.1, New India Assurance Company Limited, insurer of the offending **Santro Car** bearing registration **no.AS-01-AP-4138** is directed to pay the compensation amount to the claimant within 30 (thirty) days from today.

41. The awarded amount excluding the future prospect will be **Rs.25,99,140 – Rs.6,77,824 = Rs.19,21,316** which will carry **06% interest** per annum from the date of restoration of the case i.e. 18-05-2024 till its realization.

42. There shall be FDR in respect of Claimant No.2 **Miss Akshita Das**, minor daughter of the deceased, for an amount of **Rs.10,00,000/-** out of Rs.25,99,140/- for 5 years or till she attains the age of majority.

43. An amount of **Rs.5,00,000/-** shall be released to Claimant No.3 **Smti. Doli Das**, mother of the deceased.

44. The rest amount of **Rs.10,99,140/-** shall be released to Claimant no.1 **Smti. Mamta Das**, wife of the deceased.

45. The previous judgement of this instant case was passed on 05-07-2014 and in the said judgment the claimants already received the compensation amount from the Insurance Company. As per the Judgment and Order of the Hon'ble Gauhati High Court dated 12-03-2024, an amount of Rs.10,00,000/- was kept as Fixed Deposit in the Account of the Registry till the disposal of the MAC Case.2277/2010. Hence, the amount of compensation awarded by this judgment shall be adjusted against the Fixed Deposit kept in the Registry of the Hon'ble Gauhati High Court.

46. The Opposite Party no.1 shall do the needful at the earliest as a portion of the compensation amount has already been paid by the Insurance Company to the claimants.

47. Furnish free copy of judgment to the parties immediately.

Parties to bear the cost.

The instant case is disposed of.

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48. Signed, sealed and delivered in the open Court
on this **the 25th day of February, 2026**, in Guwahati.

**Dictated & Corrected
By Me:**

Shri Utpal Rajkhowa
MEMBER,
MACT No.1,
Kamrup (M) Guwahati

Shri Utpal Rajkhowa
MEMBER,
MACT No.1,
Kamrup (M), Guwahati

ANNEXURE**I. Claimant Examined**

- 1) P.W.1 : Smti. Mamta Das
- 2) P.W.2 : Sri Rohit Dutt
- 3) P.W.3 : Sri Rohit Dutta

II. Opp. Party No.1 Examined

- 1. D.W.1 : Shri Nitumani Choudhury
- 2. D.W.2 : Meseruddin Ahmed

III. Claimant exhibited

- 1. Ext.1 : Accident Information Report
- 2. Ext.2 : Certified copy of Post Mortem Report
- 3. Ext.3 : Salary Certificate
- 4. Ext.4 : Income Tax Return Form-16
- 5. Ext.5 : Pan Card/Identity Card for age proof
- 6. Ext.6 : Certified copy of Charge Sheet
- 7. Ext.7 : Registration Card of GNRC
- 8. Ext.8-9 : C.T. Scan Report
- 9. Ext.10 : Surgical Bill
- 10. Ext.11 : Interim Bill
- 11. Ext.12-42 : Prescriptions and Cash Memos
- 12. Ext.43 : Certified copy of Ejahar
- 13. Ext.44 : Certified copies of Seizure Lists
- 14. Ext.45 : Certified copies of MVI Reports

IV. Opp. party No.1 exhibited

- 1. Ext.A : Authority Letter
- 2. Ext.B-G : Copies of Application dtd 16-08-2021, Postal Receipt dtd 16-08-2024, Counter Foil of IPO, Letter dtd 02-09-2024, letter dtd 30-08-2024 and GDE no.158 & 159

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dtd 06-11-2010

3. Ext.H : Aadhar Card of Meseruddin Ahmed

Shri Utpal Rajkhowa

MEMBER,
MACT No.1,
Kamrup (M), Guwahati

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