

GAHC010010962020



2026:GAU-AS:578

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

Case No. : MACApp./277/2020

DULAL BARUAH AND ANR
S/O- JOGENDRA BARUAH, R/O- NIMAIGARH HABI GAON, P.O.
TENGAPUKHURI, P.S. MOTHURAPUR, DIST.- SIVASAGAR, ASSAM, PIN-
785640.

2: NABIN BEDIA
R/O- BAILUNG PUKHURI HABIGAON
P.O. TENGAPUKHURI
P.S. MATHURAPUR
DIST.- SIVASAGAR
ASSAM
PIN- 785640

VERSUS

SMTI. BINA HAZARIKA
W/O- SRI UPEN HAZARIKA, R/O- CHUMANI GAON, SILASAKU, P.O.
SILASAKU, P.S. MATHURAPUR, DIST.- SIVASAGAR, ASSAM, PIN- 785640.

Advocate for the Petitioner : MR. S N TAMULI, MS. A BEGUM

Advocate for the Respondent : MR. J B SAIKIA, MD A SAHAD

:: BEFORE ::

(HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA)

Advocate(s) for the Appellants : Mr. S.N. Tamuli,
Advocate.

Advocate(s) for the Respondent(s) : Md. A. Sahad,
Advocate.

Date on which judgment is reserved : 04.12.2025.
 Date of pronouncement of judgment : 20.01.2026.
 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. S.N. Tamuli, the learned counsel representing the appellants as well as Mr. A. Saha, the learned counsel appearing for the respondent.

2. This is an appeal under Section 173 of the Motor Vehicles Act, 1988 against the judgment and award dated 22.10.2019 passed by the learned Member, Motor Accident Claims Tribunal, Sivasagar in MAC Case No.16/2016.
3. On 13.03.2015 at about 6 P.M., the deceased Hunmoni Hazarika was driving a motorcycle Bearing Registration No.AS-04G-9943. At that time, a tractor Bearing Registration No.AS-03AC-6848 with a trolley loaded with timber was coming from the opposite direction. The tractor hit the motorcycle of the deceased. Hunmoni Hazarika died instantly. He was 19 years old at that time and was a carpenter by profession having monthly income of ₹15,000/-. Police register the case as Simaluguri P.S. Case No.49/2015.
4. While contesting the claim case, the appellant no.1 Dulal Baruah being the owner of the said tractor, denied the fact that at the time of the accident, the driver Nabin Bedia (appellant no.2) was driving the tractor in a rash and negligent manner. According to the appellant, Hunmoni Hazarika as a minor at that time and he did not have a driving licence. He further claimed that the deceased had stolen the bike from somebody and drove the same in a very high speed and collided with the tractor. The appellant claimed that Hunmoni Hazarika under the influence of alcohol at the time of the accident.
5. According to the appellant, immediately after the accident, he paid an amount of ₹100,000/- to the father of the deceased and before he could pay another amount of ₹50,000/-, the father of the deceased had already filed the claim case.
6. The driver Nabin Bedia (appellant no.2) did not contest the claim case before the Tribunal.
7. On the basis of the pleadings, the Tribunal framed the following two issues:
 - i. Whether the deceased Hunmoni Hazarika died in the road accident dated 13.03.2015 at about 6 P.M. near Rohdoi High School, Simaluguri involving vehicle No.AS-03AC-6848 (tractor) and AS-04G-9943 (motorcycle) and whether the said accident took place due to rash and negligent driving of the offending vehicle no.AS-03AC-6848?
 - ii. Whether the claimant are entitled to get any compensation and if yes, to what extent and from whom?
8. During the hearing, the claimants examined herself and two other witnesses. The appellants being the respondents, also examined three witnesses. On the basis of the evidence on record, the Tribunal

awarded a compensation of ₹8,26,000/- to be paid by the owner of the tractor.

9. On being aggrieved by the aforesaid judgment, the owner and the driver of the tractor filed the present appeal on different grounds.

10. The respondent being the claimant, had examined witness Narayan Konwar who claimed to be an eye witness to the occurrence. He has stated in his evidence that it was a head-on-collision between two vehicles and there was only one working headlight of the tractor. According to this witness, it was dark at the time of accident and he was going home in his bicycle. In his cross-examination he was reiterated that it was a head-on-collision.

11. From the evidence of this witness, it is confirmed that the deceased also contributed to the accident. It was a head-on-collision between two vehicles on a road. The contribution of the motorcycle towards the accident is 50%. Therefore, the owner has to pay only 50% of the compensation amount.

12. The appeal is partly allowed. The appellants are directed to pay half of the compensation amount i.e. ₹4,13,000/-. The appellants shall be required to pay an interest @ 6% per annum to be calculated from today till full and final payment. The entire amount of the compensation shall be paid to the respondent without any riders.

The appeal is disposed of.

Send back the original record of the Tribunal.

JUDGE

Comparing Assistant