

GAHC010122472025



2026:GAU-AS:2357

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

Case No. : MACApp./469/2025

MARU TARO
SON OF MARU TAKIA, RESIDENT OF BACKSIDE AKASHDEEP, P/S.
ITANAGAR, DIST. PAPUM PARE, ARUNACHAL PRADESH-791111

VERSUS

MRIDUL DEORI
SON OF MILON DEORI, RESIDENT OF VILLAGE GAI DEORI, P/S.
SILAPATHAR, DIST. DHEMAJI, ASSAM-787057.

2:MON BAHADUR DORJEE
SON OF HORKA BAHADUR DORJEE
RESIDENT OF VILLAGE BEDATI
P/S. BEHALI
DIST. BISWANTH CHARIALI
ASSAM-78417

Advocate for the Petitioner : PLABAN BHARADWAJ, MR G PHUKAN

Advocate for the Respondent : MR A KHANIKAR, MR G BHARADWAJ (R-1),MR B DEORI (R-1)

BEFORE
HONOURABLE MR. JUSTICE SANJEEV KUMAR SHARMA

ORDER

18.02.2026

1. Heard Mr. G. Phukan, learned counsel appearing for the appellant. Also heard Mr. A. Khanikar, learned counsel for respondent No. 1.

2. This appeal is directed against the Judgment and Award dated 01.03.2025, passed by the learned Member, Motor Accident Claims Tribunal, Demaji, in M.A.C.T Case No. 15 of 2022, awarding a compensation of Rs. 8534/- to the claimant payable by the present appellant who was the owner of the offending vehicle.

3. None appears for respondent No. 2, despite service of notice in the connected delay condonation application.

4. The case of the claimant in a nutshell is that on 16/10/2021, at about 5:30 pm, while the claimant alongwith one Biju Deori were returning to their home from Gainadi, at that time, when they reached at Gai Deori gaon, the offending vehicle bearing No.AR-01C-7527 (Tata Sumo) which was coming from Silapathar towards Dhemaji in a rash and negligent manner knocked them down on the NH-15 road from backside. As a result, the claimant sustained injuries and Biju Deori died in the accident.

5. The claimant in the petition has impleaded the driver of the offending vehicle as OP No.1 and owner of the offending vehicle as OP No.2.

6. Notice was served on these opposite parties. The driver of the vehicle did not contest the case by filing written statement and the case proceeded ex-parte against him. The owner of the vehicle had contested the case by filing written statement.

7. The OP No.2 in his written statement contended, inter alia, that the claim petition was not maintainable and as such the case was liable to be rejected, that he was not the legal owner of the offending vehicle as the said vehicle had been sold to one Sri Joydul Islam and the same has been purchased by

OP No.1.

8. Upon examination of the witnesses and after considering the evidence on record, the learned Tribunal came to the finding that the claimant was entitled to a total compensation of Rs. 8534/- and further that it is the owner of the offending vehicle bearing Registration No. AR-01C-7527 (Tata Sumo), that is the present appellant who is liable to pay the aforesaid compensation.

9. This finding was based on the fact that at the time of the incident, the vehicle was driven by the driver of the owner, who was not having a valid driving license and further, since the vehicle was not insured, it is the owner of the vehicle who is liable to pay the compensation.

10. There is no dispute with the aforesaid proposition. However, it is the stand of the appellant that he is no more the the legal owner of the offending vehicle as he had sold it to one Sri. Joydul Islam, a resident of Barpeta, Assam, presently residing in Intanagar, Arunachal Pradesh, and again the same has been purchased by one Sri. Mon Bahadur Dorjee, from the said Sri. Joydul Islam and as such the present appellant is not liable to pay the compensation. The aforesaid stand was taken in the written statement submitted by the present appellant as respondent No. 2 before the learned Tribunal. No date of sale is mentioned in the aforesaid written statement so as to show whether the said sale took place before or after the incident.

11. Furthermore, it an is admitted possession that the registration of the vehicle still stands in the name of the appellant, a fact that has been pointed out by the learned counsel for the Insurance Company.

12. That being the case, the appellant/owner cannot escape liability on the

basis of the so called sale deed.

13. In view of the above, this appeal is devoid of merit and accordingly stands dismissed.

JUDGE

Comparing Assistant