

GAHC010148222020



2026:GAU-AS:579

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

Case No. : MACApp./295/2021

NATIONAL INSURANCE COMPANY LTD.
HAVING ITS REGISTERED OFFICE AND HEAD OFFICE AT 3, MIDDLETON
STREET KOLKATA AND ITS REGIONAL OFFICE AT G.S. ROAD,
BHANGAGARH, GUWAHATI.

VERSUS

KONMAI SAIKIA AND 3 ORS. (H)
- W/O- LATE BIPIN CHANDRA SAIKIA, R/O- VILLAGE- 1 NO. MOUMARI
GAON, P.O. KATHALGURI, P.S. DULIAJAN, DIST.- DIBRUGARH, ASSAM,
PIN- 786602.

2:PABITRA SAIKIA
S/O- LATE BIPIN CHANDRA SAIKIA
R/O- VILLAGE- 1 NO. MOUMARI GAON
P.O. KATHALGURI
P.S. DULIAJAN
DIST.- DIBRUGARH
ASSAM
PIN- 786602.

3:KUKHAL SAIKIA
S/O- LATE BIPIN CHANDRA SAIKIA
R/O- VILLAGE- 1 NO. MOUMARI GAON
P.O. KATHALGURI
P.S. DULIAJAN
DIST.- DIBRUGARH
ASSAM
PIN- 786602.

4:JAYJIT GOGOI
S/O- NANDESWAR GOGOI

R/O- VILL.- LAHOWAL CHANGMAI GAON
P.O. AND P.S. LAHOWAL
DIST.- DIBRUGARH
ASSAM
PIN- 786010

Advocate for the Petitioner : MR. R GOSWAMI, MS. P BORTHAKUR

Advocate for the Respondent : MR. K R BORA, MR D CHUTIA

:: BEFORE ::

(HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA)

Advocate(s) for the Appellants : Mr. R. Goswami,
Advocate.

Advocate(s) for the Respondent(s) : Mr. K.R. Bora,
Advocate.

Date on which judgment is reserved : 13.11.2025.

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. R. Goswami, the learned counsel representing the appellant Insurance Company as well as Mr. K.R. Bora, the learned counsel appearing for the respondents.

2. This is an appeal under Section 173 of the Motor Vehicles Act, 1988 against the judgment dated 14.10.2019 passed by the learned Member, Motor Accident Claims Tribunal No.1, Kamrup(Metro) in MAC Case No.1447/2015.

3. On 14.04.2015 at about 11 P.M., the deceased Bipin Ch. Saikia was driving a motor cycle bearing Registration No.AS-06-P-5284. In fact, he was coming home from Kathalguri. On the way home, a

Maruti Van bearing Registration No.AS-06-M-0389, which was going towards Dibrugarh had hit the motorcycle of the deceased. Late Bipin Ch. Saikia sustained serious injuries. In spite of that, only in the next morning, he was brought to Duliajan Oil India Medical Hospital. The doctors referred him to Aditya Nursing Home at Dibrugarh. But before reaching Dibrugarh, he succumbed to his injuries.

4. Narrating the aforesaid facts, the claim application was filed before the Tribunal. The owner-cum-driver of the Maruti Van did not contest the said claim petition. Only the Insurance Company of the Maruti Van contested the case by filing the written statement.

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

i. Whether the victim, late Bipin Ch. Saikia, died as a result of the injuries sustained by him in the alleged road accident dated 14.04.2015 involving the vehicle bearing Registration No.AS-06-M-0389 (Maruti Van) and whether the accident took place due to rash and negligent driving of the offending vehicle?

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

6. At the time of hearing, the claimant Smt. Konmai Saikia had examined herself and another witness Parag Gogoi. The contesting Insurance Company did not examine any witness.

7. On the basis of the evidence on record, the Tribunal awarded a compensation of ₹62,99,000/-.

8. Being aggrieved by the aforesaid judgment, the present appeal has been filed on the ground that it was a head-on collision between the two vehicles. The appellant claimed that the Maruti Van did not hit the motorcycle from behind. According to the appellant Insurance Company, both the vehicles were coming from opposite directions.

9. While making the claims before this Court, the appellant has referred to the evidence of the claimant Konmai Saikia.

10. The claimant Konmai Saikia has stated before the Tribunal that she had not seen the accident. Apart from that, the Insurance Company did not prove its claim before the Tribunal by examining witnesses.

11. Mr. Goswami has submitted that the deceased Bipin Ch. Saikia was not wearing a helmet and as per Section 129 of the Motor Vehicles act, it was mandatory on his part to wear a helmet. According to Mr. Goswami, the deceased had also contributed to the accident by not wearing a helmet.

12. I have considered the submissions made by the learned counsel of both sides.

13. Though the Insurance Company has claimed that it was a head-on-collision between the two vehicles, it was not proved before the Tribunal. The Insurance Company did not examine any witnesses to prove that fact. So far as not-wearing any helmet, by the deceased, is concerned, this plea was not taken up before the Tribunal.

14. Under the aforesaid circumstances, this Court is of the opinion that the appeal fails and stands dismissed accordingly. The judgment passed by the Tribunal is affirmed.

Send back the TCR.

JUDGE

Comparing Assistant