

GAHC010194642011



2026:GAU-AS:586

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

Case No. : MACApp./206/2011

ORIENTAL INSURANCE CO. LTD
HAVING ITS REGISTERED OFFICE AT ORIENTAL HOUSE, A-25/27 ASAF ALI
ROAD, NEW DELHI-110002 AND REGIONAL OFFICE AT ULUBARI,
GUWAHATI-7

VERSUS

SMTI. GITA TALUKDAR andORS
W/O LATE DINESH TALUKDAR

2:NABANITA TALUKDAR.

3:MRIDULA TALUKDAR

4:SANJIB TALUKDAR

5:AKHAY TLUKDAR

OPPOSITE PARTIES 2 TO 5 ARE THE SONS AND DAUGHTERS OF THE
DECEASED DINESH TALUKDAR AND ARE ALL RESIDENTS OF VILL.
PATHSALA
WARD NO. 3
P.O. PATHSALA
P.S. PATACHARKUCHI
DIST. BARPETA
ASSAM.

6: BALDEV SINGH

S/O LATE SORDAL SINGH
VILL. GIRDARINAGAR
P.S. HAPUR
DIST. GAYABAD UTTAR PRADESH OWNE OF THE VEHICLE NO

7: BHUMAN SINGH

S/O LATE SORDAL SINGH
VILL. LAKHANKA
PUDDY
P.S. CHUBAHANPUR
DIST. KALPURTHALS
PUNJAB DRIVER OF THE VEHICLE NO

Advocate for the Petitioner : MS.M CHOUDHURY, MR.S DUTTA, MR.D BARUAH, MR.M CHOUDHURY, MR.D CHAKRABORTY

Advocate for the Respondent : MS.P BARMAN, ,,,

Linked Case : MC/3396/2011

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DIST. KALPURTHALS
PUNJAB DRIVER OF THE VEHICLE NO.

Advocate for : MR.D BARUAH
Advocate for : appearing for SMTI. GITA TALUKDAR andORS

:: BEFORE ::

(HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA)

Advocate(s) for the Appellant : Mr. S. Dutta,
Advocate.

Advocate(s) for the Respondent(s) : Ms. P. Barman,
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. S. Dutta, the learned counsel representing the appellant Insurance Company as well as Ms. P. Barman, the learned counsel appearing for the respondents.

2. This is an appeal under Section 173 of the Motor Vehicles Act, 1988 against the judgment and award dated 11.09.2002 passed by the learned Member, Motor Accident Claims Tribunal Barpeta in MAC Case No.148/2000.
3. On 01.04.2000, a truck bearing Registration No.HR-38/A/1930 was coming from Guwahati side to Barpeta Road. At about 7.30 A.M., at Denartary Railway Crossing on the National Highway No.31, the truck knocked down the deceased Dinesh Talukdar. He was immediately shifted to the hospital, which on the other hand referred him to Guwahati Medical College and Hospital. Within an hour of the accident, Dinesh Talukdar was declared dead.
4. A claim petition was filed before the Tribunal for seeking compensation.
5. The owner and driver of the truck both filed written statements. They claimed that the vehicle is insured under the Oriental Insurance Company Limited. The driver of the truck also claimed to have a valid driving licence.
6. The Oriental Insurance Company had contested the case by filing a separate written statement. They claimed that it will be difficult for them to find out if the vehicle was actually insured with them.
7. On the basis of the pleadings, the Tribunal framed the following issues:
 - i. Whether on 01.04.2000 the driver (opposite party no.2) drove the vehicle bearing Registration No.HR-38/A/1930 in a rash and negligent manner, knocked down Dinesh Talukdar at Denartary Railway Crossing on National Highway No.31 causing severe injuries in his person who subsequently succumbed to his injuries?
 - ii. Are the claimants entitled to a decree as prayed for and if so, to what extent?
 - iii. Is the Oriental Insurance company Limited (opposite party No.3) is liable to indemnify any compensation if awarded?
8. At the time of hearing, both sides adduced oral evidence as well as documentary evidence. On the basis of the evidence on record, the Tribunal a compensation of ₹6,28,600/-. The Oriental Insurance Company was directed to pay the aforesaid compensation.
9. On being aggrieved by the aforesaid judgment, the present appeal has been filed on the ground that the driver of the vehicle bearing Registration No.HR-38/A/1930 did not produce the driving

licence.

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

11. The opposite party no.2 being the driver of the truck bearing Registration No.HR-38/A/1930 claimed to have a valid driving licence. In the written statement filed by the Insurance Company it was never pleaded that the driver of the truck did not have a valid driving licence. So, the aforesaid ground of appeal is not maintainable.

12. In this case, the owner and driver of the truck bearing Registration No.HR-38/A/1930 have admitted that the said truck caused the accident that led to the death of Dinesh Talukdar and it is proved here that the truck was insured under the Oriental Insurance Company limited. This Court is of the opinion that this appeal has been unnecessarily filed as the same does not have any merit at all.

13. For the aforesaid reasons the appeal is dismissed and disposed of. The connected miscellaneous case being MC No.3396 of 2011 is also disposed of.

Statutory deposit shall be returned to the Insurance Company.

JUDGE

Comparing Assistant