

GAHC010273652025



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

Case No. : MACApp./567/2025

ABED ALI
S/O. HASIBOR RAHMAN,R/O. VILLAGE - PAKHRIGURI, P.O. BRP.S.
KRISHNAI, DISTRICT - GOALPARA,BRASSAM, PIN.- 783126.

VERSUS

PINKY CHETRY AND 8 ORS
W/O. LATE BALENDRA CHETRY, D/O. RAMLAL SHARMA.

2:ANSH CHETRY
MINOR

3:DIVYANSH CHETRY
SL. NO 2 AND 3 ARE SONS OF LATE BALENDRA CHETRY
MINOR
REPRESENTED BY THEIR MOTHER PINKY CHETRY RESPONDENT NO. 1

4:TILO MAYA CHETRY @ TILOMAYA CHETRY
W/O LATE LOK BAHADUR CHETRY
D/O PADAM SING CHETRY
ALL ARE RESIDENTS OF VILL. HOUSE NO. 1
BELDERARA (NEAR PETROL PUMP) P.O. AND P.S. TURA
DIST. WEST GARO HILLS
MEGHALAYA
PIN 784001

5:THE D.M. UNITED INDIA INSURANCE CO. LTD.
BONGAIGAON DIVISION
BONGAIGAON
P.O.
P.S. AND DIST. BONGAIGAON
ASSAM

PIN 783

6:OMAR ALI

S/O SALOMAN ALI
R/O VILL. GOBINDAPUR
P.O GOBINDAPUR
P.S. AND DIST. GOALPARA
ASSAM
PIN 783101

7:PARMAN ALI

S/O ABDUL KADER
R/O VILL. KHOGRABARI
P.O. BALBALA
P.S. AGIA
DIST. GOALPARA
ASSAM
PIN 783120

8:THE MANAGER LEGAL

HDFC ERGD GENERAL INSURANCE OC. LTD. ADITYAM BUILDING 6TH
FLOOR
G.S ROAD
LACHIT NAGAR
GUWAHATI 781007

9:ABDUS SALAM (DRIVER)

S/O AKBAR ALI
R/O VILL. SINGIMARI
P.O. SIMLABARI
P.S. BAGUAN
DIST. GOALPARA
ASSAM
PIN 78310

Advocate for the Petitioner : MR. M A SHEIKH, MS F INTAZ

Advocate for the Respondent : ,

**BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

ORDER

15.12.2025

Learned counsel Mr. M. A. Sheikh is present for the appellant, who has filed this appeal as he is aggrieved by the judgment and order dated 09.09.2025 passed in MAC Case no. 407/2021 directing the appellant/owner of the vehicle, Abed Ali to pay 50% as compensation as he was liable of contributory negligence.

2. It is submitted that the evidence clearly reflects that the appellant is not responsible of contributory negligence as the driver of the other vehicle, bearing registration no. AS-18C-9211 (Tempo) is responsible for rash and negligent act resulting in the accident and death of the claimant no.1's husband.

3. Admit the appeal.

4. Issue notice to the respondents returnable on 21.01.2026.

5. Meanwhile, the appellant is directed to pay the statutory deposit of Rs. 25,000/- before the Registry of this Court within 21.01.2026.

6. The order directing the appellant to pay 50% of the compensation (Rs.8 lakhs) is stayed till the next date of listing.

7. Call for the Records of Mac Case No. 567/2025.

8. List this matter on 21.01.2026.

JUDGE

Comparing Assistant