GAHC010009902015

2026:GAU-AS:16939

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

Case No. : MACApp./53/2015

MD MOHARUDDIN HAQUE
S/O ABDUL GAFUR SARKAR, R/O VILL. CHARBATAPARA, P.O. and P.S. PHULBARI, DIST. WEST GAROHILLS MEGHALAYA

VERSUS

THE NATIONAL INSURANCE CO LTD and ANR
REPRESENTED BY REGIONAL OFFICE, G.S. ROAD, BHANGAGARH, P.O. GUWAHATI 781005, DIST. KAMRUP M, ASSAM.

2:RAJENDRA NARAYAN SHARMA

S/O JAMINI KANTA SHARMA
VILL. SALHAMONE
P.O. GHAGRAPAR
DIST. NALBARI
ASSAM

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

For the Appellant(s) : Mr. A.R. Agarwala, Advocate

For the Respondent(s) : Mr. R. Goswami, Advocate

- Date on which Judgment was reserved : NA
- Date of Pronouncement of Judgment : **17.11.2026**
- Whether the pronouncement is of the Operative Part of the Judgment : NA

- Whether the full Judgment has been Pronounced : Yes

JUDGMENT AND ORDER (ORAL)

Heard Mr. A.R. Agarwala, the learned counsel for the Appellant. Mr. R. Goswami, the learned counsel appears on behalf of the Respondent No. 1.

2. The present Appeal is directed against the common judgment and award dated 18.03.2009 passed by the learned Motor Accidents Claims Tribunal, Kamrup at Guwahati in MAC Case No. 1711/2004.

3. The grievance of the Appellant is limited to the question of enhancement. The instant Appeal is directed against the impugned judgment and award on the ground that the compensation awarded was not just and reasonable, as contemplated under Section 168 of the Motor Vehicles Act, 1988 (for short, "the Act of 1988").

BRIEF FACTS

4. On 18.06.2004, the Appellant, while riding a bicycle with Tafajul Hoque seated on its carrier was hit from behind by a vehicle bearing Registration No. AS-01-R-3525. The Appellant sustained

injuries whereas Tafajul Hoque succumbed to his injuries on account of the accident.

5. Two claim proceedings were filed, one by the mother of Tafajul Hoque registered and numbered as MAC Case No. 1692/2004 and the other by the Appellant registered and numbered as MAC Case No. 1711/2004.

6. Evidence was adduced on behalf of the claimants in both the proceedings. The owner and driver of the offending vehicle did not participate in the proceedings. However, the Respondent No. 1, i.e., the insurance company participated in both the proceedings and filed written statements.

7. The learned Motor Accident Claims Tribunal consolidated both claim proceedings and framed the following two issues:

(i) Whether the accident occurred on 18.06.2004 due to rash and negligent driving of the driver of vehicle No. AS-01-R-3525 as a result of which the deceased, Tafajul Hoque died and Moharuddin sustained injuries?

(ii) Whether the claimants are entitled for compensation as claimed for in their respective cases and from whom it may be

recoverable and to what extent?

8. The learned Motor Accident Claims Tribunal came to a categorical finding that the accident occurred due to the rash and negligent driving of the driver of vehicle No. AS-01-R-3525 resulting in the death of Tafajul Hoque and injuries to the Appellant.

9. Insofar as the claim proceedings initiated by the mother of late Tafajul Hoque, i.e., MAC Case No. 1692/2004 is concerned, compensation of Rs. 3,22,500/- was awarded. However, in the claim proceedings filed by the Appellant, an amount of Rs. 20,000/- was awarded. The said amount was bifurcated under two heads, i.e., Rs. 10,000/- towards medical expenses and Rs. 10,000/- towards pain and suffering.

10. The records reveal that the present Appeal was preferred on 23.02.2015, i.e., six years after the said award.

11. The point for determination in the present Appeal is whether the Appellant is entitled to enhanced compensation as claimed in the claim proceedings.

ANALYSIS AND DETERMINATION

12. This Court has heard the learned counsels appearing on behalf of the Appellant and the Respondent No. 1 and perused the materials on record including the evidence which forms a part of the record.

13. From a perusal of the evidence adduced by the Appellant, it is seen that the Appellant exhibited the police report, discharge report from GNRC, prescriptions and vouchers, X-ray report and CT scan of the brain.

14. From a perusal of the discharge report, exhibited as Exhibit-2, it is seen that the Appellant was admitted on 18.06.2004 and discharged on 19.06.2004. The said discharge report mentions that at the time of presentation, the Appellant complained of mild headache and generalized body pain. On local examination, soft tissue abrasions were found over the left forehead, left shoulder, dorsum of the left hand and left knee joint. There was also abrasion with bruise and laceration over the left elbow, swelling of the right ankle and left calf and tenderness over the left shin. It was further mentioned that the Appellant was discharged on request as desired by his attendants.

15. Upon being cross-examined, the Appellant stated that

according to the hospital discharge certificate, he was fully cured. No other materials were placed on record except certain vouchers. The learned counsel appearing on behalf of the Appellant could not show any material indicating that the Appellant's hand was fractured or that he was unable to carry out any work.

16. Considering the above, this Court does not find the present case to be a fit case for enhancement of compensation. Accordingly, the instant Appeal stands dismissed.

17. In the present facts of the case, this Court is not inclined to impose any costs.

18. Send back the TCR.

19. Before parting with the records, this Court observes that if the Respondent No. 1 has not deposited the compensation awarded in favour of the Appellant pursuant to the impugned award dated 18.03.2009, the same shall be deposited within four weeks from today along with interest from the date of filing of the claim petition.

JUDGE

Digitally signed by Satyam Sharma
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Comparing Assistant