GAHC010009942014

2026:GAU-AS:17489

THE GAUHATI HIGH COURT

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

MAC APPEAL NO. 126/2014

The Managing Director, Assam State Transport Corporation Ltd. Paltanbazar, PS-Paltanbazar, Guwahati, Dist. – Kamrup, Assam.

.....**Appellant**

-**VERSUS**-

1. Smti. Hema Prova Chutia, wife of Late Guna Kanta Chutia, Resident of Tipling Naloni Pathar, PS- Duliajan, Dist. – Dibrugarh.

2. Md. Shah Alam Ahmed, Son of Late Allauddin Ahmed, Resident of Ward no. 7, North Lakhimpur, Dist – North Lakhimpur, Assam.

.....**Respondents**

WITH

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BEFORE
HON'BLE MR. JUSTICE MANISH CHOUDHURY

Advocates :

Advocate for the appellant	:	Mr. S. Sharma, Advocate Mr. C. Chakraborty, Advocate
Advocate for the respondent no. 1	:	Mr. D. Mondal, Advocate
Date of hearing	:	19.11.2026
Date of pronouncement of judgment	:	19.11.2026
Whether the pronouncement is of the Operative part of the judgment ?	:	No
Whether the full judgment has been Pronounced ?	:	Yes

JUDGMENT & ORDER

[M. Choudhury, J]

These three appeals, preferred under Section 173 of the Motor Vehicles Act, 1988, as amended ['the Act', for short], are directed against a common Judgment and Award dated 20.12.2013 passed by the Motor Accident Claims Tribunal, No. 2, Kamrup at Guwahati ['the Claims Tribunal', for short] in three claim applications instituted under Section 166 of the Act, which were registered and numbered as MAC Case no. 1663 of 2011, MAC Case no. 1664 of 2011 and MAC Case no. 1665 of 2011 respectively.

2. All the three claim applications were preferred by the same claimant viz. Smti. Hema Prava Chutia, who has been arrayed as the respondent no. 1 in the three appeals. The claim applications : [i] MAC Case no. 1663 of 2011, [ii] MAC Case no. 1664 of 2011, and [iii] MAC Case no. 1665 of 2011, were instituted seeking just compensation in respect of the deaths of

three persons viz. [i] Naba Ranjan Chutia, [ii] Rumi Gohain Chutia, and [iii] Arundhotee Chutia, respectively. The respondent no. 1-claimant is the mother of Late Naba Ranjan Chutia. Late Rumi Gohain Chutia was the wife of Late Naba Ranjan Chutia. Late Arundhotee Chutia was the daughter of Late Naba Ranjan Chutia and Late Rumi Gohain Chutia. In other words, the respondent no. 1-claimant is the mother-in-law and the grandmother respectively of Late Rumi Gohain Chutia and Late Arundhotee Chutia.

3. The common case of the respondent no. 1-claimant was, in brief, that on 05.07.2011, Naba Ranjan Chutia, Rumi Gohain Chutia and Arundhotee Chutia were travelling from Dibrugarh side towards Jorhat side by a vehicle [Maruti Car] bearing Registration no. AS-06/E-2493 with Naba Ranjan Chutia in the driving seat. As per the claim applications, the Maruti Car was proceeding by the left side of National Highway no. 37 at the relevant time and when the Maruti Car reached a place near Ghilaguri Petrol Pump at Sivasagar, a vehicle [ASTC Bus] bearing Registration no. AS-20/0727 [hereinafter referred to as 'the offending vehicle', for easy reference] knocked down the Maruti Car by crossing over into the opposite carriageway of the Highway. It was claimed that as a result of the collision, all the three occupants of the Maruti Car – Naba Ranjan Chutia, Rumi Gohain Chutia and Arundhotee Chutia sustained grievous injuries on their persons and as a result of the grievous injuries sustained, all three of them died instantaneously at the spot. The claimant made an allegation that the offending vehicle [ASTC Bus] was driven in a rash and negligent manner and at an excessive speed by its driver and the same had resulted into the accident.

4. On institution of the claim applications, the claim applications were registered as above by the Claims Tribunal. Notices were issued to the Managing Director, Assam State Transport Corporation [ASTC] Limited as the owner of the offending vehicle [the appellant] and Md. Shah Alam Ahmed as the driver of the offending vehicle, as they were impleaded as opposite party no. 1 and opposite party no. 2 respectively in the claim applications. On receipt of notices, both the opposite parties entered appearance and filed one joint written statement in all the three cases contesting the proceedings. In the written statement, the opposite parties denied all the allegations made in the claim applications, including the allegation regarding rash and negligent driving of the offending vehicle.

5. Upon consideration of the pleadings, the Claims Tribunal framed the following two common issues for decision :-

[I] Whether the victims – Naba Ranjan Chutia, Rumi Gohain Chutia and Arundhotee Chutia died as a result of injuries sustained by them in the alleged road accident dated 05.07.2011 involving Vehicle no. AS-20/0767 [ASTC Bus], and whether the said accident took place due to rash and negligent driving of the driver of the offending vehicle?

[ii] Whether the claimant is entitled to receive any compensation and if yes, to what extent and by who amongst the opposite parties, the said compensation amount will be payable?

6. In the course of the proceedings before the Claims Tribunal, the claimant's side examined three witnesses as C.W.1, C.W.2 and C.W.3 respectively. The opposite parties also adduced evidence through the opposite party no. 2 as D.W.1. The claimant's side also exhibited a number of documents as documentary evidence.

7. The Claims Tribunal after analysis of the evidence/materials brought on record and after hearing the parties, disposed of the claim applications by the common Judgment and Award dated 20.12.2013, which is assailed in the present three appeals. The Claims Tribunal had awarded an amount of Rs. 62,28,500/- in MAC Case no. 1663 of 2011. While awarding an amount of Rs. 5,44,600/- as compensation in MAC Case no. 1664 of 2011, the Claims Tribunal had awarded an amount of Rs. 2,50,000/- as compensation in MAC Case no. 1665 of 2011. The Claims Tribunal also awarded interest @ 6% per annum on the compensation amounts from the date of filing of the claim applications, 23.11.2011 till payment and directed the appellant-opposite party no. 1 to pay the awarded amounts to the claimant within a period of ninety days from the date of the common Judgment and Award.

8. I have heard Mr. S. Sharma, learned counsel with Mr. C. Chakraborty, learned counsel for the appellant and Mr. D. Mondal, learned counsel for the respondent no. 1 – claimant. I have also gone through Judgments referred by the learned counsel for the parties and the same would be adverted to at the appropriate places of this order.

9. As per Order dated 07.04.2022 of the Lawazima Court, the respondent no. 2 had entered appearance through learned counsel by filing vakalatnama. However, the learned counsel for the respondent no. 2 is found absent on call when the appeals are taken up for hearing.

10. Mr. Sharma, learned counsel with Mr. Chakraborty, learned counsel appearing for the appellant has submitted that the Claims Tribunal had failed to appreciate properly the testimony of the witness - D.W.1, who specifically deposed that the accident had occurred due to rash and negligent driving on the part of the driver of the Maruti Car. The learned counsel has submitted that the witness - D.W.1, who was the driver of the ASTC Bus, had deposed that it was the Maruti Car who knocked the ASTC Bus from the front side. But, ignoring such evidence, the Claims Tribunal had saddled the entire liability upon the appellant as the owner of the ASTC Bus by accepting it as the offending vehicle. The learned counsel has contended that from the evidence on record, it would clearly emerge that the accident had occurred due to fault attributable to the driver of the Maruti Car wholly, or, if not, at least partly. Even if any element of negligence was to be attributed to the ASTC Bus, then the accident in question was an accident which occurred due to contributory negligence. It is submitted that at the end of the trial ensued after submission of the Charge-Sheet in the concerned police case, the accused – driver of the offending vehicle [ASTC Bus] was acquitted from the charges by the Trial Court. In such backdrop, the liability imposed upon the appellant is to be removed entirely, and if not, at least partly for the negligence entirely of the contributory negligence on the part of the driver of the Maruti Car, as the case may be. Therefore, the common Judgment and Award is not sustainable in law and facts and the same is liable to be interfered with.

11. Mr. Mondal, learned counsel appearing for the respondent no. 1 – claimant has contended that the Claims Tribunal had appreciated the evidence on record in the correct perspective to reach at the finding that it was due to rash and negligent act of driving on the part of the offending vehicle alone the accident had occurred leading to instantaneous deaths of all the three victims, who were the occupants of the Maruti Car. He has submitted that the

claimant side led oral evidence of three witnesses including one eye-witness, as well as documentary evidence including the First Information Report [FIR] of Sivasagar Police Station Case no. 334 of 2011 registered in connection with the accident and the Charge-Sheet submitted in connection therewith. He has contended that the testimony of the eye-witness was clear and direct, and the appellant – opposite party failed to discredit his testimony to the effect that it was the ASTC Bus who crossed over to the wrong and opposite carriageway of the Highway to hit the Maruti Car from the front-side. He has submitted that the FIR was registered against the driver of the offending vehicle, that is, the ASTC Bus and after investigation, the Investigating Officer of the case also submitted a Charge Sheet on 30.09.2011 against the driver of the ASTC Bus substantiating the testimony of the eye-witness. He has further submitted that subsequent acquittal of the accused – driver of the offending vehicle [ASTC Bus] by the Trial Court on benefit of doubt will not have any bearing in the proceedings before the Claims Tribunal as the standard of proof in the two proceedings is different. He has submitted that even when the evidence laid before the Claims Tribunal is assessed independently, it would emerge that it was only due to the fault of the offending vehicle [ASTC Bus] the accident had occurred. Therefore, there is no basis on the part of the appellant to contend that there was any contributory negligence on the part of the driver of the Maruti Car, since deceased, in the accident.

12. I have duly considered the submissions of the learned counsel for the parties and have also gone through the evidence / materials available in the case records of the three MAC cases, in original.

13. It may be stated that the Claims Tribunal after considering the evidence on record and deciding the second issue, proceeded to award the compensation amounts in the three cases in the following manner :-

MAC Case no.	MAC Case no. 1663/ 2011	MAC Case no. 1664/2011	MAC Case no. 1665/2011
Name of the deceased	Naba Ranjan Chutia	Rumi Gohain Chutia	Arundhotee Chutia
Gross monthly income	Rs. 43,745/-	XXX	XXX
Statutory Deductions	Rs. 1,208/-	XXX	XXX
Total Monthly Income	Rs. 42,537/-	Rs. 3,500/-	XXX

Total Annual Income	Rs. 5,10,444/-	Rs. 42,000/-	Rs. 15,000/- [notional]
Addition of 30%	Rs. 6,63,577.20	Rs. 36,400/-	XXX
Deduction of one third	Rs. 4,42,384.80	XXX	XXX
Multiplier	14	14	15
Total Compensation	Rs. 61,93,387.20	Rs. 5,09,600/-	Rs. 2,25,000/-
Funeral Expenses	Rs. 25,000/-	Rs. 25,000/-	Rs. 25,000/-
Loss of Estate	Rs. 5,000/-	Rs. 5,000/-	XXX
Transportation	Rs. 5,000/-	Rs. 5,000/-	XXX
Total Compensation	Rs. 62,28,387.20	Rs. 5,44,600/-	Rs. 2,50,000/-
Award Amount	Rs. 62,28,500/-	Rs. 5,44,600/-	Rs. 2,50,000/-

14. As the learned counsel appearing of the appellant has raised no dispute with regard to the quantum of compensation awarded by the Claims Tribunal in the afore-mentioned manner and has confined his submissions on the point of contributory negligence, it does not appear necessary to further dilate on the quantum of compensation.

15. It has been argued by the learned counsel appearing for the appellant that the Claims Tribunal had mistakenly recorded, while deciding the second issue, that the opposite parties did not plead anything on contributory negligence on the part of the driver of the Maruti Car and about the head-on collision and to buttress such submission, has referred to the joint Written Statement. On perusal of the joint Written Statement filed before the Claims Tribunal, it is found to have stated that at the time of the accident, the Maruti Car suddenly appeared at the place of the road and hit the Bus, which was moving at normal speed and therefore, the allegation that the Bus wanted to overtake another vehicle on the road was incorrect.

16. While deciding the second issue, the Claims Tribunal had mainly analyzed the testimony of the two witnesses, C.W.2 and D.W.1, who deposed as eye-witnesses, about the manner in which the accident took place. It had analyzed the accounts given by the said two witnesses, which were at variance on some points. The Claims Tribunal had taken note of the testimony of D.W.1 where he stated that noticing one turning of the road near Ghilaguri, he slowed down the speed of the Bus and at that moment, the Maruti Car coming from the opposite direction hit the Bus and as a result, the front side of the Bus was damaged. On the

evidence of C.W.2, the Claims Tribunal found that C.W.2 nowhere stated that the accident occurred on the turning point of the road. The Tribunal also took note of his testimony to the effect that the Bus knocked down the Maruti Car by coming into the other carriageway of the road and as a result of which the accident occurred. The Claims Tribunal recorded that C.W.2 was not confronted with, even by way of a suggestion, that the Bus did not enter into the wrong carriageway of the road to cause the accident.

17. A finding on contributory negligence is dependent on appreciation of the facts and circumstances of the case by examining whether the person concerned contributed to his loss by failing to take reasonable care. Therefore, when determining contributory negligence, the Court has to consider all attending facts and circumstances. There no straight-jacket formula for determining such negligence. It depends on the specific facts and circumstances of each case, as the degree of reasonable care required varies and depends on the exact situation faced by the person concerned.

18. While dealing with a claim application under Section 166 of the Act, the Hon'ble Supreme Court in the case of **Bimla Devi vs. Himachal Road Transport Corporation, [2009] 13 SCC 530**, which are reiterated in **Dulcina Fernandes vs. Joaquin Xavier Cruz, [2013] 10 SCC 646**; and **Matthew Alexander vs. Mohd. Shafi, [2023] 13 SCC 510**, has observed that in it is necessary to bear in mind that strict proof of an accident caused by a particular vehicle in a particular manner may not be possible to be done by the claimants. The claimant is to establish his case merely on the touchstone of preponderance of probability. The standard of proof beyond reasonable doubt could not be applied in proceedings arising out of claim applications instituted under Section 166 of the Act.

19. Turning back to the facts of the cases in hand, it is found that out of the three witnesses examined by the claimant's side, the C.W.1 was the claimant herself who deposed that she did not witness the accident. The third witness, C.W.3 was an official witness from N.F. Railway who deposed to the effect that the deceased, Late Naba Ranjan Chutia was a permanent employee in N.F. Railway and at the time of his death, he was working as a Senior Sectional Engineer. C.W.3 also exhibited the Last Pay Certificate of Late Naba Ranjan Chutia

for the month of June, 2011 as Ext.-9, which mentioned that his gross pay was Rs. 43,745/- and there were deductions of Rs. 1,000/- and Rs. 208/- towards Income Tax and Professional Tax respectively. In view of such nature of testimony of C.W.1 and C.W.3, it is evident that their testimony are not relevant on the point of contributory negligence, urged on behalf of the appellant in these three appeals.

20. The witness, C.W.2 deposed as an eye-witness and the informant in the FIR registered as Sivasagar Police Station Case no. 334/2011. The defence witness, D.W.1 was the driver of the ASTC Bus. Therefore, the testimony of these two witnesses are relevant to determine the points : whether there was any act of rash and negligent driving attributable to the driver of the Maruti Car for the accident occurred on 05.07.2011; and whether there was any act of rash and negligent driving attributable to the driver of the ASTC Bus in the occurrence of the accident.

21. As mentioned above, C.W.2 testified as an eye-witness to the accident. In his evidence-in-chief, C.W.2 deposed that on 05.07.2011, he was travelling by a car behind his brother, Naba Ranjan Chutia, who was driving his own vehicle [Maruti Car] bearing registration no. AS-06/E-2493 from Dibrugarh to Jorhat. He testified that at about 07-30 a.m., as they reached near Ghilaguri Petrol Pump, Sivasagar on National Highway No. 37, he saw, all of a sudden, that the offending vehicle [ASTC Bus] bearing registration no. AS-20/0727, which was being driven in a rash and negligent manner by its driver, while overtaking another vehicle, came on the wrong carriageway of the Highway and knocked down the Maruti Car. In the said accident, all the three occupants of the Maruti Car sustained grievous injuries and succumbed to their injuries on the spot. Then, he lodged the FIR at Sivasagar Police Station which was registered as Sivasagar Police Station Case no. 334/2011 under Sections 279/304A/427, IPC against the driver of the offending vehicle. C.W.2 stated that the accident took place only due to the rash and negligent driving on the part of the driver of the offending vehicle. In his cross-examination, C.W.2 stated that on the date of the accident, he was proceeding behind the Maruti Car of his brother maintaining a distance of about 15-20 metres. He categorically denied suggestions that he did not witness the incident, and as his brother sustained injuries, he had deposed falsely for his interest. C.W.2 reiterated

that the accident took place due to fault of the offending vehicle [ASTC Bus] and the offending vehicle while overtaking came into the wrong carriageway and the accident took place only for that reason.

22. D.W.2 was a driver of the ASTC Bus. In his evidence, he deposed that the accident took place at about 07-30 a.m. on 05.07.2011 and at that time, he was driving the vehicle [ASTC Bus] bearing registration no. AS-20/0727. He stated that on that day, he was proceeding from Guwahati towards Tinsukia and when he reached at Ghilaguri Petrol Pump, the Maruti Car knocked the ASTC Bus from the front side. He further stated that he took a left turn slowing down the Bus. After the accident, he went to Sivasagar Police Station and informed about the accident verbally. He further stated that the accident occurred due to fault of the Maruti Car. In cross-examination, D.W.1 stated that he did not lodge any FIR in connection with the accident.

23. It is found that the testimony of the witness, C.W.2 about his presence at the time and place of the accident could not be dislodged by the opposite parties either in cross-examination or by any cogent and reliable rebuttal evidence. C.W.2 was the informant in Sivasagar Police Station Case no. 334/2011 and he lodged the FIR promptly on the date of the accident itself, that is, on 05.07.2011. To his testimony to the effect that he witnessed the offending vehicle [ASTC Bus] entering into the wrong carriageway of the Highway while overtaking another vehicle in a rash and negligent manner, and knocking down the Maruti Car, the opposite parties did not even make a suggestion to him. From the nature of the testimony given by C.W.2 as an eye-witness, it can be accepted, in the absence of any rebuttal evidence, that he was present at the time and place when the accident occurred, and witnessed the accident occurring in front of him. The defence witness, did not speak anything regarding the offending vehicle [ASTC Bus], driven by him, entering into the wrong carriageway of the Highway. D.W.2 merely deposed that he took a left turn and slowed down the vehicle and there was frontal collision of the two vehicles. But, C.W.2 was never confronted with anything regarding existence of a turning on the Highway near or at the place of the accident.

24. It has been elicited from the eye-witness, C.W.2 during cross-examination that his place of residence was at a distance of 100 km from the situs of accident. On that premise, a plea has been advanced that the presence of C.W.2 at the place of the accident is doubtful and he was at some other place at the time of the accident. It is, thus, submitted that C.W.2 deposed as an eye-witness only because he was a brother and a close relation of the three occupants of the Maruti Car. Noticeably, it was also elicited from C.W.2 in cross-examination that he was driving a car behind the ill-fated Maruti Car at the time of the accident by keeping a distance of 15-20 meters. It was C.W.2 who had lodged the FIR on 05.07.2011 itself alleging negligent driving at an excessive speed on the part of the driver of the offending vehicle [ASTC Bus]. The FIR lodged in connection with Sivasagar Police Station Case no. 334/2011 has been exhibited as Ext.-7[ii]. On perusal of the Ext.-7[ii] – FIR, it is found that the FIR was lodged at 01-00 pm on 05.07.2011. It is quite plausible that a person of ordinary prudence having witnessed an accident and injuries sustained by or deaths of his three close relatives in the accident would be concerned, at first, for either arranging treatment of the injured or taking care of the dead bodies, and then, lodge the FIR, rather than lodging an FIR at first and thereafter, to take care of the injured or the dead bodies. In the case in hand, the FIR was lodged after about five hours from the time of the accident. Therefore, the situation pleaded on behalf of the appellant is not found plausible for acceptance as it is the first situation which is found plausible in the facts and circumstances of the case.

25. The claimant side exhibited the following documents in the proceedings before the Claims Tribunal : [i] The Accident Information Report in Form-54 [Ext.-1]; [ii] The certified copy of the Post-Mortem Examination [PME] Report of Late Naba Ranjan Chutia [Ext.-2]; [iii] HSLC Admit Card issued by Board of Secondary Education, Assam of Late Naba Ranjan Chutia [Ext.-3]; [iv] PAN Card of Late Naba Ranjan Chutia [Ext.-4]; [v] Driving License of Naba Ranjan Chutia [Ext.-5]; [vi] Service/Salary Certificate of Late Naba Ranjan Chutia issued by Senior Personal Officer, N.F. Railway, Dibrugarh [Ext.-6]; [vii] Certified copies of FIR, Seizure List, MVI Report, Charge-Sheet of Sivasagar Police Station Case no. 334/2011 u/s 279/304A/427 I.P.C. [Ext.-7(i) to Ext.-7(xiii)]. The PME Reports in respect of Rumi Gohain Chutia and Adundhotee Chutia were exhibited as Ext.-2 in MAC Case no. 1664 of 2011 and as

Ext.-2 in MAC Case no. 1665 of 2011, apart from their HSLC Admit Card and the Birth Certificate respectively in proof of their ages.

26. In **Matthew Alexander** [supra], the Hon'ble Court has held that there can be no dispute with respect to the position that the question regarding negligence which is essential for passing an award in a motor vehicle accident claim should be considered based on the evidence available before the Claims Tribunal. If the Police records are available before the Claims Tribunal, taking note of the purposes of the Act, it cannot be said that looking into such documents for the afore-said purpose is impermissible or inadmissible. In **Reena vs. Managing Director, Karnataka State Road Transport Corporation, 2026 INSC 889**, the Hon'ble Supreme Court has observed that police investigation records, including the FIR and final Charge-Sheet, constitute valid, admissible, and reliable prima facie evidence to establish rash and negligent driving in MACT proceedings. A subsequent acquittal in a criminal case does not affect the assessment of tortious liability under the Act and the findings, quashment, acquittal in criminal court cannot control or dictate the outcome of MACT proceedings, which must be evaluated independently on civil standards. One of the principles laid down therein is that the Charge-Sheet creates a prima facie case of negligence.

27. The FIR lodged in connection with Sivasagar Police Station Case no. 334/2011 on 05.07.2011 and the Charge-Sheet bearing Charge-Sheet no. 239 dated 30.09.2011 were exhibited as Ext.-7[i] and Ext.-7[xii] respectively. In the Charge-Sheet dated 30.09.2011, the I.O. of the case found a prima facie case established against the driver of the offending vehicle [ASTC Bus], that is, D.W.2 to proceed for trial for committing the offences under Sections 279, 304A and 427 of the Indian Penal Code [IPC]. Submission of the Charge-Sheet against the driver of the offending vehicle [ASTC Bus], therefore, constitutes valid, admissible, and reliable prima facie evidence as regards rash and negligent driving on the part of the driver of the offending vehicle [ASTC Bus]. The learned counsel appearing for the appellant has fairly submitted that the accused was not acquitted on the ground that he was arraigned as accused in a false case. The learned counsel for the respondent no. 1 – claimant has submitted that the accused was acquitted on benefit of doubt. As noted above, the

standard of proof to establish the guilt is beyond reasonable doubt, as against the standard of preponderance of probability in a claim application under Section 166 of the Act.

28. Taking into consideration the testimony of the eye-witness, C.W.2 to the effect that the offending vehicle [ASTC Bus] while overtaking another vehicle in a rash and negligent manner entered into the wrong carriageway of the Highway to knock down the Maruti Car from the front side, which testimony remained unrebutted, and the Charge-Sheet submitted, after investigation, against the driver of the offending vehicle [ASTC Bus], this Court is of the considered view that the Claims Tribunal had, after proper appreciation of the evidence / materials on record, rightly reached the finding that it was solely due to the offending vehicle [ASTC Bus] the accident had occurred resulting in instantaneous deaths of all the three occupants in the Maruti Car. There is neither any evidence on record nor any evidence was led by the opposite parties to attribute any act of negligence on the part of the driver of the Maruti Car to reach any conclusion on the point of contributory negligence qua the driver of the Maruti Car.

29. In view of the fact situation obtaining as above, and for the reasons assigned and the findings reached at above, this Court has not found any reason, much less good and sufficient reason, to take a view different from the view reached by the Claims Tribunal on the points of act of rash and negligent driving on the part of the offending vehicle [ASTC Bus], and want of any evidence regarding contributory negligence on the part of the driver of the other vehicle [Maruti Car] involved in the accident. Resultantly, the three appeals are found to be devoid of any merits and therefore, the same are liable to be dismissed. They are accordingly, dismissed.

30. It is brought to the notice of the Court that during the pendency of the appeals, the appellant side has deposited 50% of the principle amount of Rs. 62,28,500/- awarded in total in the three claim applications : [i] MAC Case no. 1663 of 2011; [ii] MAC Case no. 1664 of 2011; and [iii] MAC Case no. 1665 of 2011, that is, Rs. 35,11,550/- by a cheque only on 08.06.2026 in compliance of Order dated 18.08.2022. As the appellant is found responsible for the amounts awarded as compensation in all the three claim applications, the appellant

shall deposit the remaining part of the amounts awarded along with the interest thereon in terms of the direction already made by the Claims Tribunal in the common Judgment and Award dated 20.12.2013 within a period of 2 [two] months from today before the Claims Tribunal. On deposit of the amount, the Claims Tribunal shall disburse the amount to the respondent no. 1 – claimant upon due identification and as per due procedure.

31. The TCRs are to be returned to the Claims Tribunal forthwith.

JUDGE

Simanta Das

Digitally signed by Simanta Das
DN: c=IN, o=Personal, postalCode=783384, l=Bongaigaon, st=Assam, street=TownAbhayapuri, Ward No4 Tengnamari , Bongaigaon, Bongaigaon Assam India 783384, title=8727, 2.5.4.20=caa9a1c0be943e0740ca5dfbbfb8695db6814b46202926df0aea3036caed4e3c, serialNumber=d950a33227bd4a5ce185958e9d34bdfd7c09a2ca0a1f4636284b9f4fa581ffcb03, email=simnds08@gmail.com, cn=Simanta Das
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Comparing Assistant