

COURT OF MOTOR ACCIDENT CLAIMS TRIBUNAL
KAMRUP :: GUWAHATI

Present :-
Paran Kumar Phukan
Member, MACT
Kamrup, Guwahati

MAC Case No. 2108/09

Sri Gopal Ch Deka ... Claimant

- VS -

1 Sri Samarjit Singh
(Owner of the vehicle no. WB-72/B-2632)

2 Sri P Achoujit Singha ... Opp Parties

Advocate for the claimant : Mr G A Hussain
Advocate for the OP : Mr Surjit Singh

Date of hearing argument : 01.08.12
Date of judgment : 01.08.12

J U D G M E N T

This claim case has arisen out of the petition filed by the claimant, Sri Gopal Ch Deka, praying for compensation for injury sustained by him in the motor vehicle accident took place on 17.07.09, involving the vehicle No. WB-72/B-2632 (Truck) which was owned by Sri Samarjit Singh.

Case of the claimant is that, on the fateful day he was walking from the Tiniali Market towards his residence, suddenly a Bike bearing Registration no. WB-25/B-2632 which was driven in a rash and negligent manner, knocked him, as a result he sustained grievous injuries.

The opposite parties No. 1 & 2, in their joint written statement denied all the averments made in the claim-petition and stated that the accident occurred due to negligence of the claimant and the claimant is required to prove by documentary evidence.

On the basis of the pleadings, the following issues were framed for adjudication :-

1 Whether the claimant, Sri Gopal Ch Deka, sustained injuries in the alleged road accident dated 17.07.09 involving vehicle no. WB-25/B-

2632 and whether the said accident took place due to rash and negligent driving of the offending vehicle ?

- 2 Whether the claimant is entitled to receive any compensation and if yes, to what extent and by whom amongst the opposite parties, the said compensation amount will be payable ?

The claimant has examined himself as PW-1 and two other witnesses. Contesting opposite party has not examined any witness.

I have heard argument of the parties, perused the materials on records and upon consideration of the same, the issues are decided as follows :-

ISSUES NO. 1 & 2

Both the issues are taken up together for discussions and decisions for the sake of convenience and brevity.

The claimant has averred in the petition and also stated in his evidence that on 17-07-09 while he was proceeding towards his residence, the offending vehicle bearing registration No. WB-25/B-2632 (Bike), which was driven in a rash and negligent manner, hit him and as a result he sustained grievous injuries. After the accident he was taken to DIMS Hospital and then he was referred to GNRC. He was admitted in GNRC on 17.07.09 and was discharged on 28.07.09. In his evidence the claimant stated that he exhibited the documents. But I do not find any exhibited documents but some photocopies are available in the record. In support of the oral evidence the claimant has proved the photocopy of Police Report being Ex-89 and some medical documents (photocopies). The claimant has deposed categorically that the accident occurred due to rash and negligent driving of the offending vehicle No. WB-25/B-2632. Opposite parties have not adduced any rebuttal evidence. Thus, the oral evidence of the claimant coupled with the documentary evidence mentioned above establishes that the claimant sustained injuries in the motor vehicle accident due to rash and negligent driving of the offending vehicle.

The Accident Information Report reveals that the vehicle was not covered by the policy of insurance. Since the vehicle was not insured at the time of accident, the owner of the vehicle has to satisfy the award.

The claimant has proved medical documents as mentioned above showing that claimant sustained injury and was hospitalized. Claimant has filed some photocopies of medical expenses documents. Thus considering the nature of injury sustained by the claimant and the medical expenses incurred there for, it is held that award of a lump sum amount of Rs 5,000/- on account of medical treatment as well as pain, shock & suffering etc. with interest at the rate of 6% p a. from the date of filing the petition, would be just and reasonable compensation to the claimant.

Accordingly, these issues are decided in favour of the claimant.

A W A R D

Rs 5,000/- (Five thousand) is awarded with interest @ 6% p.a. from the date of filing of the claim petition, i.e. 27.10.09 till payment. The opposite party, owner of the offending vehicle, is directed to pay the award within one month from the date of order.

Given under my hand & seal of this Court on this 1st day of August 2012.

(Paran Kumar Phukan)
Member
Motor Accident Claims Tribunal
Kamrup, Guwahati