

**HIGH COURT OF TRIPURA
AGARTALA
MAC. APP. NO.17 OF 2023**

The Divisional Manager, Shriram General Insurance Co.Ltd.
.....**Appellant(s)**

Versus

Sri Swapan Debnath and ors.
.....**Respondent(s)**

For the Petitioner(s) : Mr. P.K. Ghosh, Advocate.

For the Respondent(s) : Mr. R. Datta, Advocate.
Mr. A. Gon Chaudhury, Advocate.
Mr. K. Pandey, Advocate.

Date of hearing and delivery of
Judgment & Order : 20.06.2024

Whether fit for reporting : YES/NO.

**HON'BLE MR. JUSTICE T. AMARNATH GOUD
J U D G M E N T & O R D E R (O R A L)**

This present application has been filed under section 173 of the Motor Vehicles Act, 1988 against the Judgment and Award dated 06.07.2022 passed in Case No. T.S (MAC) 159/2015 by the learned Motor Accident Claims Tribunal, Tribunal No.2, West Tripura, Agartala awarding Rs. 13,70,546/- (Rupees Thirteen Lacs seventy thousand five hundred forty six) only against the Appellant- Noticee, Shriram General Insurance Company Ltd with 9% simple interest per annum from the date of filing of the claim petition i.e. from 23.06.2015 till realization. The said T.S.(MAC) 159/2015 arose out of crime No.2015 JRN 004 under Sections 279/338 IPC read with Section 187 of the MV Act.

2. The learned Tribunal below as against the claim of Rs.13,70,546/- passed the award in favour of the claimant in terms of Rs.9,00,000/- towards the cost of treatment, Rs.1,00,000/- towards pain and suffering, Rs.2,00,000/- was awarded for transportation as well as food and lodging purpose, Rs.5,000/- towards litigation cost, Rs.40,000/- towards the cost of medical attendant, a sum of Rs.1,00,000/- towards further treatment and Rs.2,00,000/- was awarded toward the loss of working capability. The operative portion of the Order of the learned Tribunal is as follows:-

"ORDER

In the result, claim is awarded in following terms :-

Claimant petitioner is entitled to get the award of Rs. 13,70,546/-(Rupees thirteen lacs seventy thousand five hundred forty six) only with 9% Simple interest per annum thereon from the date of registration of claim i.e, w.e.f. 23.06.2015 tili the date of realization thereof.

The Noticee Sriram General Insurance Co. Ltd., insurer of the offending vehicle bearing registration No.TR-01-M-1890 shall, within 30 days of the date of this award, deposit the entire amount as awarded, in favour of the Motor Accident Claims Tribunal, West Tripura, Agartala.

Supply a copy of this award free of cost to the parties by not later than 15 days from the date of the award.

The case stands disposed off on contest."

3. Aggrieved by the said reward, this present appeal has been preferred by the appellant-noticee Insurance Company.

4. Heard Mr. P.K. Ghosh, learned counsel appearing for the appellant-Insurance Company as well as Mr. R. Datta, learned counsel assisted by Mr. K. Pandey, learned counsel appearing for respondent No.1 and Mr. A. Gon Chaudhury, learned counsel appearing for respondent No.3.

5. Mr. P.K. Ghosh, learned counsel appearing for the appellant-Insurance Company submits that the award passed by the learned Tribunal is on the higher side and the interest of 9% per annum is excessive as the same is not on terms with the norms followed by this Court.

6. Heard and perused the evidence on record.

7. This Court finds force in the submission of the learned counsel appearing for the appellant-Insurance Company that the interest of 9% per annum is on the higher side. Accordingly, as agreed upon by both the parties, it is reduced to 7.5% interest per annum in terms of the norms followed by this Court. The other portion of the awarded amount shall remain untouched as this Court is of the view that the same is just and proper reflects a thorough and impartial consideration of the facts and legal principal involved by the learned Tribunal below.

8. Accordingly, the awarded amount shall be deposited by the appellant-Insurance Company within a period of 1(one) month from today as per procedure. On depositing the same, the claimants are at liberty to withdraw it unconditionally as per the procedure.

9. Hence this present appeal is allowed to the extent indicated above. As a sequel, stay if any stands vacated. Pending application(s), if any also stands closed.

JUDGE

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