

**HIGH COURT OF TRIPURA
AGARTALA
MAC APP NO.68 OF 2023**

Smt. Purnima Debbarma.

.....**Appellant(s)**

Versus

Smt. Mandira Rani Paul and anr.

.....**Respondent(s)**

For the Appellant(s) : Mr. Manoj Debnath, Advocate.
Mr. Rupak Nama, Advocate.

For the Respondent(s) : Mr. A.K. Deb, Advocate.

CO(FA) NO.02 OF 2024

The National Insurance Company Ltd.

.....**Appellant(s)**

Versus

Smti. Purnima Debbarma and anr.

.....**Respondent(s)**

For the Cross Objector(s): Mr. A.K. Deb, Advocate.

For the Respondent(s) : None.

Date of hearing and delivery of
Judgment & Order : 21.06.2024

Whether fit for reporting : NO.

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

This present appeal has been filed under Section 173(1) of M.V. (Amendment) Act, 2019 for enhancement of the award dated 05.07.2023 in Case No.-T.S.(MAC)93 of 2006 passed by the Member, Motor Accident Claims Tribunal, West Tripura, Agartala preferred by

the original claimant (*hereinafter referred as 'appellant'*). The connected cross-appeal has been filed under Rule 22 of the CPC read with Section 151 of CPC against the Memo of Appeal of the connected appeal filed by the claimant appellant against the impugned award herein. The title suit herein arose out of crime No. East P.S.129 of 2004 under Section 279/338 of IPC and.

2. Heard Mr. M Debnath, learned counsel appearing for the claimant as well as Mr.A.K. Deb, learned counsel appearing for the Insurance Company.

3. Mr. Debnath, learned counsel appearing for the claimant submits that the learned Tribunal did not consider the aspect of the future prospect of marriage of the injured, and also only Rs.50,000/- was granted towards future medical expenses which is on the lower side. Learned Counsel submits that due to the neurological problem suffered out of the accident, the marriage life of the injured became redundant.

4. On the other hand, Mr. A.K. Deb, learned counsel appearing for the insurance Company submits that Rs.50,000/- awarded to the victim by the learned Tribunal for future medical expenses is without any evidence and the same needs to be set aside. The rate of interest granted by the learned Tribunal is 9%, per annum which is excessive and needs to be reduced. Learned counsel further contended that there was a delay from January 2010 to July 2013 and

the same was condoned and for the delay, the claimant is not entitled to any interest.

5. Heard both sides and perused the evidence on record.

6. This Court is not satisfied with the argument of learned counsel for the claimant that due to the neurological problem suffered out of the accident, the marriage life of the injured became redundant as because, no medical or documentary evidence has been placed on record to prove the same. As such, this Court rejects the said argument and accordingly the appeal stands dismissed.

7. On the other hand this Court rejects the argument advanced by Mr. Deb, learned counsel for the Insurance Company that Rs.50,000/- granted by the Tribunal on account of future medical expenses needs to set sides because the learned counsel has failed to provide compelling evidence to support his this argument. However the argument on the non-claiming of interest from 21.01.2010 to 05.07.2013 is agreed upon by the Court since the claimant himself has made the submission in the cross-examination before the Tribunal and also for the mistake committed by the claimant in the proceeding of the matter by way of delay, the Insurance Company cannot be penalized. This Court is also in agreement with the argument of the learned counsel that interest of 9% per annum as granted by the learned Tribunal while giving the award is excessive and the same needs to be reduced. Accordingly, in terms of the norms followed by

this Court, the rate of interest per annum for the awarded amount is reduced to 7.5% in terms of the general norms followed by this Court.

8. With the above observations and directions the Cross Objection is allowed to the extent indicated above.

9. The Insurance Company shall deposit the amount within 1(one) month from today and on said deposit, the claimant is at liberty to withdraw the same unconditionally as per procedure.

10. As a sequel, stay if any stands vacated. Pending application(s), if any, also stands closed.

JUDGE



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