

**HIGH COURT OF TRIPURA
AGARTALA
MAC APP NO.76 OF 2023**

The Oriental Insurance Company Ltd.

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

Versus

Smt. Jyotsna Gope and ors.

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

For the Petitioner(s) : Mr. B. Majumder, Advocate.

For the Respondent(s) : Mr. S. Bhattacharjee, Advocate.
Mr. S. Noatia, Advocate.

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 of the Motor Vehicle Act, 1988, along with its up-to-date amendments against the impugned Judgment and award dated 17.03.2023 passed by the learned Member, Motor Accident Claims Tribunal, North Tripura, Dharmanagar, rendered in Case No.T.S.(MAC)08 of 218. By filing the suit, the claimant-respondents before the learned Tribunal claimed compensation of Rs.20,00,000/- only on account of the death of the deceased Ranjit Kumar Gope in a vehicular accident. Regarding this incident, a police case vide Manu P.S. Case No.19 of 2017 under Sections 279/304(A)/337/338/427 of IPC dated 14.07.2017 was registered.

2. The learned Tribunal after hearing the parties vide Judgment dated 17.03.2023 disposed of the claim application in the following manner:-

" ORDER

17. In view of the above discussion and findings, the application under Section 166 of the Motor Vehicles Act, 1988 filed by the claimant-petitioners is allowed on contest.

The Opposite Party No. 2, The Branch Manager, Oriental Insurance Company Ltd. Dharmanagar Branch, Dharmanagar, North Tripura shall pay the compensation of Rs.8,35,562/- (Rupees eight lakh thirty five thousand five hundred sixty two) only to the claimant- petitioners No.1 and 3 within a period of 30 days from this day of award. This award of compensation shall carry interest at the rate of 5% per annum from the date of presentation of the claim petition before this Tribunal i.e. 23-04-2018 till the realization.

The share of the claimant-petitioner no. 1, Smt. Jyotsna Gope being the wife of the deceased will be (Rs.3,97,781/- + Rs.40,000/-) = Rs.4,37,781/- (Rupees four lakh thirty seven thousand seven hundred eighty one) only with accrued interest.

The share of the claimant-petitioner no.3 namely Smt. Niroda Gope will be Rs.3,97,781/- (Rupees three lakh ninety seven thousand seven hundred eighty one) only with accrued interest.

Any amount of compensation, if received by the claimant- petitioners on the principle of No Fault Liability as contemplated under Section 140 of the Motor Vehicles Act, 1988 shall be adjusted to the compensation so finally awarded.

*Keeping in mind the guidelines of **Hon'ble Apex Court in General Manager, Kerala State Road Transport Corporation, Trivandam Vs. Ms. Sushama Thomas and others (AIR 1994 SC 1631)** and the guidelines as laid down in **Union Carbide Corporations case (1991) 4 SCC 584** and subsequent decision of the **Hon'ble High Court of Tripura in case no. MAC Application 36 of 2006 Joydeep Chakraborty Vs. Pintu Sharma and another passed by the Hon'ble Chief Justice Deepak Gupta**, since the claimant petitioners no.1 and 3 are women and aged about 62 years and 85 years respectively, they may not be handled with the money properly, it is ordered that 50% of the share of each of the claimant-petitioners no.1 and 3 together with interest shall be fixed in a long term fixed deposit scheme at least for a period of six years in their names in any Nationalized Bank giving a scope to them to draw the monthly interests accrued on it. No loan or other advances in any form shall be allowed on such fixed certificates with out the express permission of this tribunal.*

Rest 50% of the share of the claimant-petitioners no. 1 and 3 together with interest shall be released in favour of them by transmitting it directly to their savings bank accounts to allow them to meet the expenditure of their livelihood which they might have incurred for the death of the deceased.

Supply a copy of the judgment to the claimant-petitioners for their ready reference and a copy of the judgment shall also be communicated to the Opposite Party No. 2, The Branch Manager, Oriental Insurance Company Ltd. Dharmanagar Branch, Dharmanagar, North Tripura to facilitate the payment of the awarded compensation in time....."

3. Being aggrieved with the aforesaid impugned Judgment and Award dated 17.03.2023, the appellant-Insurance Company herein has filed this present appeal.

4. Heard Mr. B. Majumder, learned counsel appearing for the appellant-Insurance Company as well as Mr. S. Bhattacharjee, learned counsel, and Mr. N. Noatia, learned counsel appearing for the respondents.

5. Heard and perused the evidence on record. This Court dismisses the appeal filed by the Insurance Company affirming that the award granted by the learned Tribunal in this case is just and appropriate. This decision upholds the learned Tribunal assessment and compensation awarded to the claimants, indicating that the award passed by the learned Tribunal is just and proper.

6. Accordingly, this present appeal stands dismissed. As a sequel, stay if any stands vacated. Pending application(s), if any also stands closed.

सत्यमेव जयते

JUDGE

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