

HIGH COURT OF TRIPURA
AGARTALA
I.A. No.03 of 2025
in
MAC App. No. 81 of 2023(D/O)

Smt. Bijali Debnath & Ors.

.....Applicant(s)

Versus

Sri Prasanta Roy & Anr.

..... Respondent(s)

For Applicant(s)	:	Mr. A. Das, Adv.
	:	Mr. Sukanta Paul, Adv.
For Respondent(s)	:	Mr. A. K. Deb, Adv.

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

_O_R_D_E_R_

05.03.2025

Heard Mr. S. Paul, learned counsel appearing for the applicants namely Smt. Bijali Debnath, Smt. Sushmita Debnath, and Sri Palash Debnath and Smt. Kalpana Debnath and also perused the record Vide award dated 01.05.2023 passed by Ld. Member, MAC Tribunal No.1, West Tripura, Agartala an award of Rs.14,11,850/- along with interest @ 7% per annum with effect from the date of filing of the claim petition till the date of actual payment. Ld. Tribunal made the necessary apportionment in the following manner:

"O=R=D=E=R

It is, therefore, held that the claimant petitioners are entitled to get compensation of Rs.14,11,850/- (Rupees Fourteen Lakh Eleven Thousand Eight Hundred Fifty only) with interest @ 7% per annum with effect from 22.08.2017 i.e. the date of filing of the claim petition till the date of actual payment. The Noticee No.2 i.e. National Insurance Company Ltd. will pay the amount of compensation with interest within 30 days from today in terms of Section 168(3) of M.V. Act, 1988.

Out of the awarded amount of compensation inclusive of interest, the claimant petitioner no.1 will get 40% and the claimant petitioners no.2,3 and 4 will get 20% each. Out of the respective share of claimant petitioners no.1,2,3, and 4, 50% each of their respective share shall be kept in fixed deposit scheme in

their respective name in any Nationalized Bank of their locality for a period of five years each and the remaining 50% of their respective share shall be paid to them through their respective bank account. The claimant petitioners no.1,2,3 and 4 shall however be at liberty to withdraw monthly interest from their fixed deposit to meet their day to day expenses. No loan or withdrawal shall be permitted from/against any of the fixed deposit certificates without prior permission of this Tribunal.

Supply copy of this award free of cost to the parties.

The claim petition stands disposed of on contest.

Enter the result in the relevant Register as well as in the CIS.

ANNOUNCED."

In appeal filed by the National Insurance Company Ltd. a co-ordinate bench of this court affirmed the award of Ld. Tribunal Court.

As it appears initially the Insurance Company deposited Rs.25,000/- at the time of filing of the appeal and thereafter further Rs.10,09,041/- was also deposited vide cheque dated 12.10.2023.

Mr. Paul, learned counsel submits that both the said amounts are now lying in the Registry which are required to be disbursed.

Considered the submission and also perused the record.

The petition for disbursement submitted by the petitioners is allowed.

The Registry is directed to disburse the amount and to take necessary step for fixed deposit of some portion thereof in terms of the award passed by the Ld. Tribunal as indicated above.

IA is accordingly disposed of.

JUDGE

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