

**HIGH COURT OF TRIPURA
AGARTALA
MAC APP NO.82 OF 2023**

Cholamandalam M.S. General Insurance Company Ltd.

.....Appellant(s)

Versus

Sri Litan Deb and ors.

.....Respondent(s)

For the Petitioner(s) : Mr. R. Saha, Advocate.

For the Respondent(s) : Mr. S.B. Debnath, Advocate.
Mr. K.Deb, 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 (O R A L)**

This present appeal has been filed under Section 173 of the Motor Vehicles Act, 1988 read with Section 16B of the Act, filed by the appellant, insurance Company challenging the Judgment and Award dated 08.12.2022 passed by the learned Motor Accident Claims Tribunal No.5, West Tripura in Case No.T.S.(MAC) No.126 of 2018. A.D. Nagar P.S. Case No.33 of 2017 was registered under Sections 379/338 IPC and under Sections 183/184 of the M.V. Act in regard to this matter. By filing the title suit, the claimant claim compensation of Rs.15,60,000/- due to the injury sustained by way of a road traffic accident.

2. The learned Tribunal after hearing the parties vide Judgment dated 08.12.2022 disposed of the claim application in the following manner:-

"Order/Award

The OP No.3, Chola mandalam, MS General Insurance Company Ltd is directed to deposit the awarded compensation of Rs.24,70,400/- (Rupees Twenty four lakhs seventy thousand four hundred) only within 30 days from today with interest thereon at the rate of 8% per annum with effect from date of filing of the claim application i.e., from 08.08.2018 to till realization of the full.

Fifty percent of compensation amount is to be fixed deposited in the name of claimant for 5 years and rest amount is to be disbursed to the claimant to his bank account.

Furnish a copy of the award to both sides.

The case stands disposed of on contest.

Make necessary entry in the TR and CIS.

Pronounced in the open court.

3. Being aggrieved with the aforesaid impugned Judgment and Award dated 08.12.2022, the appellant-Insurance Company herein has filed this present appeal.

4. Heard Mr. Rajib Saha, learned counsel appearing for the appellant-Insurance Company as well as Mr. S.B. Debnath, learned counsel, and Mr. K. Deb, learned counsel appearing for the respondents.

5. Mr. Saha, learned counsel appearing for the appellant-Insurance Company submitted that interest @ 8% percent per annum has been given by the learned Tribunal while awarding the compensation and the same is on the higher side. Accordingly, learned counsel urged this Court to reduce the rate of interest.

6. Heard and perused the evidence on record. This Court dismisses the appeal filed by the appellant-Insurance Company affirming the award and interest of 8% per annum granted by the learned Tribunal in this case. This decision upholds the learned Tribunal assessment and compensation awarded to the claimant, indicating that the award passed by the learned Tribunal is just and proper.

7. Accordingly, this present appeal stands dismissed and the impugned Judgment and Award is upheld. As a sequel, stay if any stands vacated. Pending application(s), if any also stands closed.

JUDGE

suhanjit

RAJKUMAR
SUHANJIT
SINGHA

Digitally signed by
RAJKUMAR
SUHANJIT SINGHA
Date: 2024.06.29
15:07:56 +05'30'

सत्यमेव जयते