

**HIGH COURT OF TRIPURA
AGARTALA
MAC APP 26 OF 2025**

National Insurance Company Limited,
represented by its Branch Manager, Udaipur Branch, P.S.
R.K.Pur, Udaipur, District- Gomati, Tripura,
(Insurer of TR-01-A-1331, Bus)

----Appellant(s)

Versus

1. Miss Rani Bala Tripura, daughter of Sri Chandra Chan
Tripura, resident of Mandirghat, Gomatibari, P.S.
Natunbazaar, Amarpur, Gomati, Tripura.

.... Claimant Respondent

2. Sri Pinaki Bhowmik, son of late Nihar Ranjan Bhowmik,
resident of North Bank of Mahadev Dighi, P.S. R.K. Pur,
Udaipur, District- Gomati, Tripura.
(Owner of TR-01-A-1331, Bus)

3. Sri Dipak Sarkar, son of Sri Ramesh Sarkar, resident of
Gokulpur, P.S. R.K.Pur, Udaipur, District- Gomati, Tripura
(Driver of TR-01-A-1331, Bus)

4. Sri Diren Shib, son of Sri Dinesh Shib, resident of West
Bank of Jagannath Dighi, P.S. R.K.Pur, Udaipur, District-
Gomati, Tripura
(Owner of TR-03-B-1608, Canter Truck)

5. Manirul Islam, son of Md. Abdul Kashem, resident of
Kushamara, P.S. Kakraban, Udaipur, District- Gomati,
Tripura
(Driver of TR-03-B-1608, Canter Truck)

---- Respondents

For Appellant(s)	:	Ms. R. Purkayastha, Advocate
For Respondent(s)	:	Mr. A. Acharjee, Advocate
Date of hearing & delivery of Judgment & Order	:	06.11.2025
Whether fit for reporting	:	No

**BEFORE
HON'BLE JUSTICE DR. T. AMARNATH GOUD
Judgment & Order (Oral)**

06/11/2025

This is an appeal preferred by the appellant- National
Insurance Company Limited challenging the award dated

11.03.2024 passed by the Motor Accident Claims Tribunal, Court No.1, Gomati Judicial District, Udaipur, in case No. T.S. (MAC) 50 of 2019 praying for dismissal of the award to the tune of Rs. 4,13,000/- only alongwith interest @7% per annum w.e.f. the date of filing of the claim petition i.e. 11.12.2019, till realization of the same.

2. Heard Ms. R. Purkayastha, learned counsel appearing for the appellant-Insurance Company. Also heard Mr. A. Acharjee, learned counsel appearing for the claimant-respondent.

3. Briefly stated, the claimant-respondent on 15.10.2018 at about 14.50 hours was returning home from Agartala by boarding a bus bearing registration No. TR-01-A-1331 and on the way when she reached at Uttar Maharani, another Canter Truck vehicle bearing registration No. TR-03-B-1608 coming from the opposite direction met with an accident with the bus vehicle face to face resulting which the claimant-respondent alongwith other passengers of the bus vehicle sustained grievous injuries. The claimant respondent sustained comminuted humerus distal fracture in her right elbow and other multiple bleeding injuries all over her body. Thereafter, she was taken District hospital, Udaipur from where she was referred to AGMC & GBP hospital for better treatment where she was under medical supervision till 30.10.2018 and was also under treatment thereafter privately.

On receipt of the claim application, the appellant-insurance company as well as the owners and drivers of both the vehicle by filing their respective written statements contested the claim application.

All the witnesses were examined and cross-examined and the documents, submitted by parties to the claim petition were also taken into consideration by the learned trial Court.

Following the settled principles of law, the learned Tribunal has quantified the compensation to be paid to the claimant-respondent to the tune of Rs. 4,13,000/- along with interest @7% per annum from the date of filing of the claim application till the date of actual realization, fastening the liability upon the appellant-insurance company.

Being aggrieved by and dis-satisfied with the said award dated 11.03.2024 passed by the learned Tribunal in T.S. (MAC) 50 of 2019, the appellant-insurance company has preferred this appeal with the following reliefs:

- "a) Admit the appeal;**
- b) Call for the records from the Court of learned Tribunal below;**
- c) Issue notice upon the respondents;**
- d) after hearing the parties would further be pleased enough to quash /set aside that part of the impugned award dated 11.03.2024 passed by the Ld. Motor Accidents Claims Tribunal (Court No.1), Sri A. Pandey, Gomati Judicial District, Udaipur in T.S. (MAC) 50/2019 whereby the Ld. Tribunal below has most illegally and arbitrarily awarded compensation of Rs.4,13,000/- (Rupees Four Lac Thirteen Thousand) only to the Claimant Respondent to be paid by the O.P. No.3 Appellant, the insurer of vehicle No.TR-01-A-1331 (Bus) within two months from the date of this judgment along with interest @ 7% per annum thereupon from the date of filing of claim petition i.e. from 11.12.2019 till payment/realization of the same; and further be pleased enough to stay the operation of the impugned award till final disposal of the appeal, otherwise the appellant would be highly prejudiced."**

4. Ms. Purkayastha, learned counsel appearing for the appellant-insurance company has argued that it is a case of composite negligence since both the vehicles are involved in the accident, but the learned Tribunal has not considered the said fact. It was further contended that considering involvement of both the

vehicles in the accident, learned Tribunal ought to have apportioned the share of the award upon both the Insurance Companies. Learned counsel has further submitted that both the drivers who are accused of the criminal case, as charge-sheeted, were acquitted from the charges, and thus, learned counsel has urged this court to fasten the liability on both the insurance companies. Learned counsel for the appellant has further submitted that the amount of compensation has been wrongly assessed which requires interference by this Court.

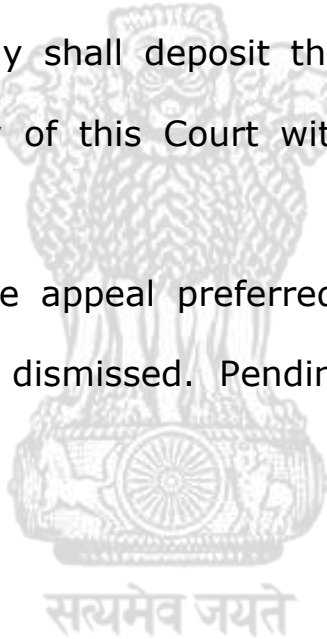
5. Mr. Acharjee, learned counsel for the claimant-respondent has submitted that the findings as returned by learned Tribunal is correct and requires no interference and has urged to maintain with the findings of the learned Tribunal.

6. I have perused the entire record including the award passed by the learned Tribunal.

7. On scrutiny of the record, it is evident that the claimant-respondent in her deposition categorically deposed that the accident occurred due to rash and negligent driving of both the vehicles. The FIR also specifically reveals that the accident involves both the vehicles. Further, the police report/ejahaar also specifically disclosed involvement of both the vehicles in the accident. Thus, from oral and documentary evidence *prima facie* it is well established that the accident took place due to involvement of both the vehicles. In the written statement also the appellant-insurance company has not taken such plea. Further, the issue of composite negligence has not been made out by the appellant-insurance company before the trial court.

8. Upon consideration of the totality of facts and circumstances, this Court does not find any ground to warrant an interference with the impugned award, and the same cannot be interfered with. Accordingly, it is made clear that the findings of the learned Tribunal regarding the entitlement of the claimant-respondent to receive the compensation to the tune of Rs.4,13,000/- alongwith interest @7% per annum w.e.f. from the date of filing of the claim petition till its actual payment, is not liable to be disturbed and hence, the same is affirmed. The appellant-insurance company shall deposit the entire amount, if not paid, with the Registry of this Court within 1(one) months from today.

9. Consequently, the appeal preferred by the appellant-insurance company stands dismissed. Pending application(s), if any, also stands disposed.



JUDGE

**SAIKAT
KAR**

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