

**HIGH COURT OF TRIPURA
AGARTALA**

MFA (EC) 5 of 2025

The Divisional Manager

Oriental Insurance Company Ltd.

Divisional Office, Hariganga Basak Road

Agartala, West Tripura.

(Insurer of the vehicle bearing Registration Number TR-06-2308)

.....APPELLANT

VERSES

1 Smt. Milan Roy (Deb)
W/O Sri RadhaBinode Deb

2. Smt. Mani Ghosh (Deb)
W/O Lt. Rakesh Deb

3. Sri Mousam Deb
S/O Lt. Rakesh Deb

4. Smti. Papiya Deb
D/O Lt. Rakesh Deb

*All are Residents of Nandan Palli, Chebri (Near Anukul Thakur Ashram)
Khowai-PS, Dist:-Khowai
(Claimant Respondent No. 3 & 4 being minors, are represented by their
mother Petitioner No. 2)*

.....Claimant-Respondents.

5. Smti Dimpi Das
*W/O Sri Bishu Das
Resident of Jagabandhu Akhada,
Singichara, Khowai PS, Dist:- Khowai, Tripura
(Owner of the vehicle bearing Registration No.TR-06-2308)*

.....Owner Respondent.

For the Appellant(s)	:	Mr. Karnajit De, Advocate.
For the Respondent(s)	:	Mr. Sankar Lodh, Advocate. Mr. Kishalay Roy, Advocate. Mr. Subham Majumder, Advocate. Mr. Chandan Das, Advocate.
Date of hearing and delivery of Judgment & Order	:	14.11.2025
<u>Whether fit for reporting</u>	:	<u>NO.</u>

HON'BLE JUSTICE DR. T. AMARNATH GOUD
J U D G M E N T & O R D E R (O R A L)

1. This present appeal has been filed under Section 30 of the Employee's Compensation Act, 1923 by the appellant–Insurance Company against the impugned judgement and award dated 11.06.2024 passed by the learned Commissioner, Employee's Compensation, Khowai, Tripura in case No. TS (EC) 01 of 2020.

2. The brief facts of the case as enumerated before the learned trial Court are that one Rakesh Deb who was engaged as Driver for the vehicle No. TR 06 2308 (Auto Rickshaw) was coming from Tulasikhar toward Chebri. When he reached near Tulasikhar market a bullock suddenly appeared in front of the vehicle. In order to save the vehicle i.e. the auto rickshaw suddenly tried to turn in speed, but the driver could not, make it out and collided with a tree by the road side. Soon after the accident, the said driver was taken to Khowai District Hospital from where he was referred to AGMC & GBP Hospital for better treatment. But as an indoor patient on 17.03.2020, he succumbed to his injury. सत्यमेव जयते

3. The learned Commissioner, Employee's Compensation, Khowai, Tripura upon hearing the parties and on perusal of the material evidence on record, has decided the case by the impugned judgement and award dated 11.06.2024 passed in case No. TS (EC) 01 of 2020 in the following manner:

“.....Pleadings of the OP No.01 is that the monthly salary of the deceased was Rs.10,500/- per month, therefore, the amount of compensation payable to the applicants would be:

Rs.(10,500 x 50% x 197.06) = Rs.10,37,400/- (Rupees ten lac thirty seven thousand & four hundred only). Funeral expenses of Rs.25,000/- is added, which comes at Rs.10,62,400/- (rupees ten lakh sixty two thousand and four hundred only). An

interest @ 12% per annum from the date of accident, i.e. 09.03.2020 is also payable to the applicants on the above amount of compensation till its realization.

From the claim-petitions and Exbt-10, it is observed that the deceased Rakesh Deb is survived by his mother, wife, one minor daughter and one minor son and hence, all the petitioners are found entitled to get equal shares of the awarded compensation as fixed above. Therefore, the final Order runs as follows:

O R D E R

7) In the result, applicant-petitioners are awarded a sum of Rs.10,62,400/- (Rupees ten lac sixty two thousand & four hundred) only as compensation with interest @ 12 % per annum from the date of accident i.e. 09.03.2020 till payment / realization. Out of total awarded amount the applicants Nos.1, 2, 3 and 4 shall get Rs.2,65,600/- (Rupees two lakh sixty five thousand & six hundred only) each. The Opp. party no.2, being the insurer of the vehicle bearing No. TR-06-2308 (Auto) involved in the said accident, wherein he was the driver, the Insurer of the vehicle bearing No. TR-06-2308 (auto) namely, The Oriental Insurance Company Limited, is directed to satisfy the award of the above compensation along with the aforementioned interest within a period of 30(thirty) days from today.

It is further ordered that out of the total compensation awarded in favour of applicants Nos.1 & 2, 50% of their awarded amount shall be kept in fixed deposit scheme in any Nationalized Bank for a period of 05(five) years and if they desire, they will be at liberty to draw the monthly interests which will accrue from the fix deposit scheme. It is further ordered that the awarded compensation in favour of the applicant Nos.3 & 4, who are minors, their entire amount of Rs.2,65,600/- (rupees two lac sixty five thousand & six hundred only) each, shall be kept in fixed deposit scheme in their names in any Nationalized Bank till their completion of age majority.....”

4. Being aggrieved by the aforesaid impugned order dated 11.06.2024 passed in case No. TS (EC) 01 of 2020, the appellant has preferred this appeal seeking the following reliefs:

- “(1) Admit the Appeal;
- (2) Call for the case records from the Learned Tribunal Below;
- (3) Stay the operation of the impugned judgment and Award dated 11.06.2024 passed by the Learned Commissioner, Employee's Compensation, Khowai, Tripura in case No. TS (EC) 01 of 2020;
- (4) After hearing the parties be pleased enough to set aside/quash and modify the impugned judgement and award dated 11.06.2024 passed by the Learned Commissioner, Employee's Compensation, Khowai, Tripura in case No. TS (EC) 01 of 2020.....”

5. Mr. K. De, learned counsel appearing for the appellant-insurance company submits that the award passed in favour of the claimants is on the higher side. He further submits that the learned Commissioner committed error by awarding Rs.25,000/- towards funeral expenses and the said amount should be reduced. Learned counsel therefore, urges this Court to set aside the impugned order dated 11.06.2024 passed in case No. TS (EC) 01 of 2020.

6. On the other hand, Mr. S. Lodh, learned counsel for the respondent claimants No.1 & 2 opposes the submission made on behalf of the appellant-insurance company. He submits that the order passed by the learned Court below on 11.06.2024 is just and proper and the same should not be interfered with.

7. Heard the submissions made at the Bar and perused the material evidence on record.

8. In view of the foregoing discussions and on perusal of the materials on record, this Court is of the opinion that the funeral expenses as computed by the learned Court below be reduced to Rs.15,000/- from Rs.25,000/-.

9. It is also observed that the interest @ 12% per annum by the learned Court below is on the higher side. This Court in all similar matters is fixing 7.5% interest while comparing the bank rate of interest. Consequently, to maintain uniformity, the claimants would be entitled for 7.5% per annum interest on the modified award of compensation instead of 12% as awarded by the learned Court below.

10. Thus, the re-calculated total award to be received by the claimants from the appellant insurance company would be [Rs.10,37,400/- + Rs.15,000/-] = **Rs.10,52,400/- with 7.5% interest per annum**. It is made clear that insofar as other aspects of the impugned award by the learned Court below dated 11.06.2024 passed in case No. TS (EC) 01 of 2020 are

concerned, the same need no interference and the same shall remain unaltered.

11. Accordingly, the award passed by the learned Tribunal is modified to the extent as indicated above. The appeal preferred by the Insurance Company is hereby disposed of. The modified awarded amount of Rs.10,52,400/- with 7.5% interest per annum shall be deposited by the insurance company within a period of one month from today, if not deposited. On such deposit, the claimants are at liberty to withdraw the same unconditionally as per procedure.

12. As a sequel, miscellaneous application(s), pending if any, shall also stand closed.

DR. T. AMARNATH GOUD, J

