

**HIGH COURT OF TRIPURA  
AGARTALA**

**MAC. App. No.31of 2025**

***Liberty General Insurance Limited***

*Aartala Branch, 1 Floor, Building No.-543,  
Math Chowmuhan, College Road, P.O. - Agartala, Pin-799004,  
P.S.- West Agartala, District-West Tripura,  
(Insurer of vehicle No TR-03-H-1556 Auto Truck)*

**.....Appellant**

**VERSES**

- 1) *Smt. Dongbee Chakma***  
*W/O Late Dirapada Chakma*
- 2) *Smt. Urmi Chakma***  
*D/O Late Dirapada Chakma*
- 3) *Smt. Elisha Chakma***  
*D/O Late Dirapada Chakma*
- 4) *Sri Babra Bahan Chakma***  
*S/O Late Pidiya Chakma*

*All are residents of Ananda Bandhu Para, Silachari,  
Presently residing at-  
Dhajanagar Police Quarter, Udaipur,  
P.S.-R.K. Pur, Udaipur, District- Gomati Tripura*

**.....Claimant Respondents**

- 5) *Sri Prasenjit Das***  
*S/O Sri Tapan Das  
Town Sonamura,  
P.S.-R.K. Pur, Udaipur, District- Gomati Tripura  
(Owner of vehicle No. TR-03-H-1556 Auto Truck)*

**.....Owner Respondent**

- 6) *Sri Tapan Das***  
*S/O Late Upendra Das  
Resident of Town Sonamura,  
P.S.- R.K. Pur, Udaipur, District- Gomati Tripura  
(Driver of vehicle No. TR-03-H-1556 Auto Truck)*

**.....Driver Respondent**

- 7) *New India Assurance Company Ltd.,***  
*Udaipur Branch, Udaipur, P.S.-R.K. Pur,  
Udaipur, District- Gomati Tripura  
(Insurer of vehicle bearing No. TR-03-F-5644 Achiever Bike)*

**.....Respondent Insurer**

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|--------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| For the Appellant(s)                             | : Mr. Shubhajit Chakraborty, Advocate<br>Mr. Samar Das, Advocate<br>Ms. Baishakhi Chakraborty, Advocate                                                    |
| For the Respondent(s)                            | : Mr. Gitangshu Sekhar Das, Advocate<br>Mr. Arjun Acharjee, Advocate<br>Mr. Kushal Deb, Advocate<br>Ms. Moon Basu, Advocate<br>Mr. Subhankar Deb, Advocate |
| Date of hearing and delivery of Judgment & Order | : 01.12.2025                                                                                                                                               |
| Whether fit for reporting                        | : YES/NO.                                                                                                                                                  |

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**HON'BLE JUSTICE DR. T. AMARNATH GOUD**  
**JUDGMENT & ORDER(ORAL)**

[1] This present appeal has been filed under Section 173 of the Motor Vehicles Act, 1988, filed by the appellant- insurance company, challenging the judgement and award dated 19.03.2024, passed by the Learned Motor Accident Claims Tribunal No.-1, Gomati Judicial District, Udaipur, in Case No. T.S. (MAC) 24 of 2020.

[2] The brief facts of the case as enumerated in the present appeal are that on 08.03.2020 at about 14-50 Hours the victim namely Dirapada Chakma was proceeding towards Udaipur by riding his motor-bike bearing registration No. TR-03-F-5644 (Achiever Bike). When he reached at Dhajanagar near Don Bosco School, Udaipur, on NH Road, his motor-bike was dashed by a vehicle bearing regn. No. TR-03-H-1556 (Auto Truck), face to face, which was coming from the front opposite direction from Udaipur side. As a result of that, victim sustained severe injuries on his person. Immediately after the accident, t victim was taken to District Hospital, Udaipur wherein during treatment he succumbed to his injuries.

[3] The Claimant-Respondents i.e. the Respondent No.-1-4 herein on 20.07.2020 had filed an application under section 166 of the Motor Vehicles Act, 1988, for granting compensation of Rs. 1,96,10,000/- due to death of deceased victim namely Dirapada Chakma in the road traffic accident occurred on 08.03.2020. After hearing the parties and conclusion of trial the learned Tribunal below passed the judgment and award dated 19.03.2024, whereby and where under the Claimant Respondents have been awarded a sum of Rs.59,15,100/- (Rupees Fifty Nine Lac Fifteen Thousand One Hundred) only with interest thereon at the rate of 7% per annum with effect from date of filing of the claim application i.e., from 20.07.2020 to till realization of the full.

[4] Aggrieved by and dissatisfied with the aforesaid judgment and award dated 19.03.2024 passed by the learned Tribunal, the appellant–Insurance Company preferred the instant appeal before this Court seeking to quash/modify the impugned judgment and award.

[5] Heard Mr. Samar Das, learned counsel appearing for the appellant–Insurance Company, who submits that learned Tribunal below has failed to appreciate the fact that without proper examination of the vehicular documents, liability can never be shifted upon insurance company. Stating thus, learned counsel prays this Court to allow this appeal.

[6] Heard and perused the evidence on record.

[7] Upon hearing the submissions made at the Bar and on consideration of the materials on record, this Court finds no infirmity in the findings and conclusions arrived at by the learned Tribunal. The contention raised by the learned counsel for the appellant–Insurance Company that the vehicular documents were not duly proved is without merit, as the Tribunal had rightly decided the case on the basis of the evidence and surrounding circumstances, which this Court finds to be reasonable and just.

[8] Accordingly, the award passed by the learned Tribunal is hereby affirmed and upheld. The appeal preferred by the Insurance

Company stands dismissed. The awarded amount, if not yet disbursed, shall be released to the claimant(s) in terms of the award.

[9] As a sequel, the interim stay, if any, stands vacated. Pending application(s), if any, also stand(s) closed.

**DR. T. AMARNATH GOUD, J**

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GHOSH**

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