

**HIGH COURT OF TRIPURA
AGARTALA**

HON'BLE JUSTICE DR. T. AMARNATH GOUD

MAC. APP.NO.65 OF 2025

The Branch Manager Shriram General Insurance Company Ltd.
Vs.
Smt. Jhuma Begam and ors.

Present:

For the Appellant(s) : Mr. Karnajit De, Advocate.

For the Respondent(s) : Mr. Kuhsal Deb, Advocate.

Along with

CRP NO.44 OF 2025

The Branch Manager Shriram General Insurance Company Ltd.
Vs.
Smt. Jhuma Begam and ors.

Present:

For the Appellant(s) : Mr. Karnajit De, Advocate.

For the Respondent(s) : None.

22.08.2025

Order

1. The present MAC Appeal has been filed against the impugned Judgment and Award dated 10.10.2023 passed by the learned Motor Accident Claims Tribunal No.2, Gomati District, Udaipur in case No. T.S.(MAC) No.09 of 2020, and the present Civil Revision Petition has been filed because the learned Tribunal directed the present petitioner in Execution Case No.04 of 2024 to make the payment, whereas the present petitioner is not a party in the main claim case, i.e., TS(MAC) No.09 of 2020.

2. Since both the MAC appeal and the CRP arise out of the same set of facts and involve common questions of law and fact, they are heard together and are being disposed of by this common Judgment.

3. Heard Mr. Karnajit De, learned counsel appearing for the appellant-Insurance Company, as well as Mr. K. Deb, learned counsel appearing for respondent No.8 in the MAC Appeal.

4. Mr. K. De, learned counsel appearing for the appellant, submits that the learned Tribunal failed to consider that, by order dated 21.12.2020, the MACT Tribunal had already struck out the name of the appellant from the case vide No. TS(MAC) 09 of 2020 on the basis of the petition filed by the respondent. As such, the learned Tribunal erred in law by passing the award against the appellant in a case where the appellant is not a party.

5. On the other hand, Mr. K. Deb, learned counsel appearing for respondent No.8 in the MAC Appeal, submits that if the prayer of the appellant is taken into consideration, the whole process would need to be started '*de novo*'.

6. Heard and perused the evidence on record.

7. Both matters are heard together and disposed of by this common Judgment. Since the decree by the Court below was passed against respondent No.5, who was supposed to be "*Shriram General Insurance Company Ltd.*", which has been replaced by order dated 21.12.2020 with "*Shriram Transport Finance Company Ltd.*," it is open for the petitioner to take steps with the concerned Court for amending the said judgment, and thereafter to proceed with the recovery against respondent No.5, the judgment debtor, i.e., "*Shriram Transport Finance Company Ltd.*", for the claim amount. There cannot be any claim against the *Shriram General Insurance Company Ltd.*

8. As a sequel, the stay, if any, stands vacated. Pending application(s), if any, also stand(s) closed.

DR. T. AMARNATH GOUD, J