

**HIGH COURT OF TRIPURA
AGARTALA
MAC. APP. NO.53 OF 2025**

Sri Swapan Das
Vs.
Sri Debabrata Roy and anr.

HON'BLE JUSTICE DR. T. AMARNATH GOUD

Present:

For the Appellant(s) : Mr. K.K. Pal, Advocate.
Mr. H.K. Bhaumik, Advocate.
Ms. P. Murasing, Advocate.

For the Respondent(s) : Mr. G.S. Das, Advocate.
Mr. K. Deb, Advocate.

04.08.2025

Order

1. This present appeal has been filed under Section 173 of the Motor Vehicles Act, directed against the Judgment and Award dated 19.03.2025 passed by the learned Member, Motor Accident Claims Tribunal No. 2, West Tripura, Agartala, in connection with Case No. T.S.(MAC) 176/2020.

2. The brief facts leading to the institution of this case are that the appellant-claimant, on 22-12-2018 at about 6:05 p.m., was returning from Amtali Bazar as a pillion rider on a motorcycle bearing registration No. TR-01-S-9997 (Super Splendor motorcycle), driven by a friend of the appellant. When they reached Amtali School Chowmuhani on the Agartala-Bishalgarh road, an Indica car bearing registration No. TR-01-AJ-0288, coming from the Bishalgarh side, dashed into the motorcycle of the injured claimant and also collided with an auto-rickshaw bearing registration No. TR-01-D-4416. As a result of the accident, the right leg of the claimant-appellant was completely crushed, and the passenger and driver of the auto-rickshaw died on the spot as the auto-rickshaw caught fire.

3. The appellant underwent treatment at B.R. Ambedkar Hospital, Hapania, and AGMC & GBP Hospital, and subsequently received treatment at ILS Hospital and Fortis Hospital, EM Bypass, Kolkata. He was also admitted to Response Clinic & Research Centre Pvt. Ltd., Kolkata, where a major operation was performed on 06.01.2019, resulting in the amputation of his right leg above the knee. The claimant-appellant became permanently disabled, and the Medical Board assessed his permanent disability at 85%.

4. A claim petition under Section 166 of the Motor Vehicles Act was filed and registered as T.S.(MAC) 176/2020 before the Motor Accident Claims Tribunal, West Tripura. After inquiry and trial, the learned Tribunal passed a Judgment and Award dated 19.03.2025, granting an amount of Rs. 23,47,500/- only, along with simple interest at the rate of 6% per annum from the date of presentation of the claim petition. Hence, the appellant filed this MAC Appeal before this Court for modification/enhancement of the quantum of award, as deemed fit and appropriate by this Court.

5. Heard Mr. K.K. Pal, learned counsel appearing for the appellant, as well as Mr. G.S. Das and Mr. K. Deb, learned counsel appearing for the respondents.

6. Mr. K.K. Pal, learned counsel appearing for the appellant, submits that the learned Tribunal awarded only Rs. 50,000/- under the head of future medical expenses, which is very meagre considering that the appellant has to change his artificial limb every three years. Learned counsel further argues that the interest rate of 6% per annum awarded by the Tribunal is on the lower side and should be increased in line with the prevailing norms followed by the Courts.

7. Heard and perused the record.

8. In view of the evidence on record, this Court finds no justification to interfere with the award of Rs. 50,000/- under the head of future medical expenses as granted by the learned Tribunal. Though the learned counsel for the appellant-claimant sought enhancement under this head on the ground that the claimant had suffered amputation of his leg and would require artificial limbs, this Court is of the view that the amount awarded is reasonable in the facts and circumstances of the case and is supported by the available evidence.

9. However, with regard to the rate of interest, this Court finds merit in the submission of the learned counsel for the appellant. Considering the prevailing norms and the interest rates awarded in similar cases, the rate of interest awarded by the learned Tribunal at 6% per annum is enhanced to 7.5% per annum.

10. Accordingly, the appeal is partly allowed to the extent indicated above. The rest of the impugned Judgment and Award as passed by the learned Tribunal is affirmed.

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

DR. T. AMARNATH GOUD, J

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