

HIGH COURT OF TRIPURA
AGARTALA
MAC. APP. NO.60 OF 2025

1. **Sri Niranjana Chandra Dey,**
S/o. Late Raichand Dey.

2. **Smt. Mira Rani Ghosh (Dey),**
W/o. Sri Niranjana Chandra Dey

3. **Sri Krishanu Dey,**
S/o. Sri Niranjana Chandra Dey

All are resident of Bairagi Bazar,
West Jumerdhepa, P.S. Melaghar
District-Sepahijala.

..Appellant(s)

VERSUS

1. **Tarasankar Motors Private Limited,**
Represented by Sri Amit Roy,
S/O Sri Ajoy Prashad Roy,
Usha bazar, P.S. Airport,
District-West Tripura. (Owner of SML Truck No. TR-01-AD-1564).

2. **Sri Prasenjit Debdas,**
S/o Sri Ranjit Debdas,
Of Uttar Pabiachara, P.S. Kumarghat,
District-Unokoti,
(Driver of SML Truck No. TR-01-AD-1564).

3. **The Divisional Manager,**
United India Insurance Company Limited,
RMS Chowmuhani, Agartala,
P.S. West Agartala, District-West Tripura.
(Insurer of SML Truck No. TR-01-AD-1564).

.....Respondent(s).

Present:

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

For the Respondent(s) : Mr. Bhaskar Deb, Advocate.
Mrs. Sujata Deb(Gupta), Advocate.

Ms. R. Purukayastha, Advocate.
Ms. A. Saha, Advocate.

25.09.2025

HON'BLE JUSTICE DR. T. AMARNATH GOUD

FINAL ORDER

1. This present appeal has been filed against the Judgment and Award dated 05.03.2025 passed by the learned Member, Motor Accident Claims Tribunal No.4, West Tripura, Agartala, in connection with case No. T.S.(MAC) 85/2021.

2. The brief facts of this case are that on 08.09.2020 at about 1:30 P.M., Atanu Dey was returning from Agartala after performing his business-related work, riding a motorcycle bearing registration No. TR-01-L-4555. When he reached in front of the Jungalia Electric Office at about 2:00 P.M., a truck bearing registration No. TR-01-AD-1564 (SML truck) coming from the Bishalgarh side in a rash and negligent manner violently dashed against the motorcycle of Atanu Dey. As a result, Atanu Dey fell beside the road and sustained fatal bleeding injuries, following which he was shifted to Bishalgarh Sub-Divisional Hospital, where the attending doctor declared him dead. A police case was registered vide BLG P.S. Case No. 2020 BLG 054 dated 08.09.2020 under Sections 279/304(A) of the Indian Penal Code read with Sections 184/187 of the Motor Vehicles Act, 1988.

3. Thereafter, the appellants filed a claim petition under Section 166 of the Motor Vehicles Act, which was registered as T.S.(MAC) 85/2021. After inquiry and trial, as well as considering the evidence of the parties and the documents on record, the learned Tribunal passed the Judgment and Award dated 05.03.2025 and awarded an amount of Rs.18,28,600/- along with 8% simple interest with effect from 05.07.2021, i.e., from the date of filing of the claim petition. Hence, the appellants filed this appeal before this Court seeking modification of the Judgment and

Award dated 05.03.2025 by enhancing the quantum of compensation as deemed just, appropriate and proper by this Court.

4. Heard Mr. K.K. Pal, learned counsel appearing for the appellants, Ms. R. Purukayastha, learned counsel appearing for the respondent-Insurance Company and Ms. A. Saha, learned counsel appearing for respondent No.1.

5. Mr. K.K. Pal, learned counsel for the appellants, submits that the deceased-Atanu Dey had an engineering background and, in addition, completed Auxiliary Nurse and Midwifery. However, the learned Tribunal erred in fixing his monthly income at Rs.12,000/-. The deceased was well educated and, at the time, was working at a computer centre at Bairagi Bazaar, earning Rs.30,000/- per month. Learned counsel further submits that the certificates of the degrees held by the deceased were exhibited. It is further contended that the learned Tribunal failed to properly appreciate the dependency of claimant-petitioners No.1 and 3 and, without assigning satisfactory reasons, held that they were not dependent upon the income of the deceased.

6. On the other hand, learned counsel for the respondent-Insurance Company vehemently opposed the submissions of the appellants-counsel and urged this Court to dismiss the appeal.

7. Heard and perused the evidence on record.

8. This Court considers the educational certificates issued in favour of the deceased as valid documents. However, no proof of income has been placed on record, and no evidence has been adduced by the employer of the deceased. Therefore, fixing a notional income of the deceased in terms of the High Court of Tripura Notification dated 04.08.2023, by considering him as a skilled labourer, is not justified in the opinion of this Court. Accordingly, the monthly income fixed by the learned Tribunal at Rs.12,000/- is just and proper and requires no interference. Under the other heads of dependency, amounts have been awarded by the learned

Tribunal considering the Hon'ble Apex Court Judgment in ***National Insurance Company Ltd., Vs. Pranay Sethi, (2017) 16 SCC 680***. As such, there remains no area under which this Court can enhance the compensation. Accordingly, the appeal stands dismissed, affirming the impugned Judgment and Award dated 05.03.2025 passed by the learned Tribunal.

9. Accordingly, stay, if any, stands vacated. Pending application(s), if any, also stand(s) closed.

DR. T. AMARNATH GOUD, J

HIGH COURT OF TRIPURA



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