

HIGH COURT OF TRIPURA
AGARTALA
MAC. APP. NO.72 OF 2025

The Divisional Manager, The New India Assurance Co. Ltd., Divisional Office, Old Mantribari Road, P.S. West Agartala, District West Tripura, Pin 799001.

(Insurer of motor bike bearing No. TR-01-AE-6721, Hero Honda)

.....Appellant(s).

VERSUS -

1. **Smti Basanti Debbarma**,
W/o.Late Malin Debbarma.

2. **Sri Alokesh Debbarma**,
S/o.Late Malin Debbarma.

3. **Smti Ushmita Debbarma**,
D/o. Late Malin Debbarma.

4. **Smti Sampapati Debbarma**,
W/o.Late Bhim Ch. Debbarma.

All are residents of Vill- Ganganagar, P.S. Fatikroy, District - Unokoti, Tripura.Pin-799290.

5. **Sri Rakesh Shil**, S/o.Sri Nimai Shil,resident of Vill- Bramman Pushkundi, P.S. Lefunga, District - West Tripura,Pin-799210.

(Owner of motor bike bearing No. TR-01-AE-6721, Hero Honda)
Respondent Owner.

..... **Respondent Claimant(s)**.

Present:

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

For the Respondent(s) : Mr. S. Datta, Advocate.
Mr. B. Nath, Advocate.
Ms. S. Nandy, Advocate.

BEFORE
HON'BLE JUSTICE DR. T. AMARNATH GOUD

31.10.2025

Order

1. This appeal has been filed under Section 173 of the M.V. Act, 1988 by the appellant–Insurance Company against the award dated 04.02.2025 passed by the learned Motor Accident Claims Tribunal No. 2, West Tripura, Agartala, in case bearing No. T.S. (MAC) 34 of 2021, seeking to exonerate the liability of the Insurance Company on the ground that the rider/driver of the motorbike had no driving licence on the date of the alleged accident.

2. The brief facts of the case are that on 21.05.2020, at about 4:30 p.m., the victim was standing for repairing his motorbike at Fatikchara Bazar area. At that time, one motorcycle bearing registration No. TR-01-AE-6721 (Hero Honda), belonging to the owner-respondent herein, which was coming from Kamalghat side towards Mohanpur, dashed against the victim. As a result, the deceased fell down on the ground and sustained severe bleeding injuries. He was shifted to AGMC and GBP Hospital but succumbed to his injuries on the same day. Subsequently, a claim petition was filed before the learned Motor Accident Claims Tribunal No. 2, West Tripura, Agartala, which was registered as T.S. (MAC) 34 of 2021. Upon consideration of the evidence on record, the learned Tribunal, by judgment and award dated 04.02.2025, awarded a sum of Rs. 77,77,684/- (Rupees Seventy-Seven Lakh Seventy-Seven Thousand Six Hundred Eighty-Four only) with interest at the rate of 7.5% per annum, and held the Insurance Company, being the insurer of the said vehicle, liable to pay the compensation. Aggrieved by the aforesaid judgment and award, the

Insurance Company has preferred the present appeal challenging the finding of liability as well as the quantum of compensation.

3. Heard Mr. G.S. Das, learned counsel appearing for the appellant–Insurance Company, as well as Mr. S. Datta, learned counsel for the respondents.

4. Mr. Das, learned counsel for the appellant–Insurance Company, submits that the learned Tribunal ignored the issue of violation of policy conditions, as the rider of the motorbike did not possess a valid driving licence. He further submits that the learned Tribunal, without properly appreciating the evidence and without applying judicial mind, passed the impugned judgment and award. It is also contended that the learned Tribunal failed to examine the evidence of the parties at the time of passing the judgment.

5. Heard and perused the evidence on record.

6. It is well settled that new issues cannot be raised for the first time at the appellate stage. This Court is of the view that the learned counsel for the appellant has attempted to introduce a new set of arguments which were neither adduced in evidence through O.P.W-2 nor advanced before the learned Tribunal. It is not open to the appellant to raise fresh arguments or submissions that do not form part of the record of the Trial Court. As such, this Court finds no reason to interfere with the impugned judgment and award passed by the learned Tribunal.

7. Accordingly, this Court finds no merit in the appeal, and the same stands dismissed. As a sequel, the stay, if any, stands vacated. Pending applications, if any, also stand closed.

DR. T. AMARNATH GOUD, J

suhanjit

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