

**HIGH COURT OF TRIPURA
AGARTALA**

Mac. App No.62/2025

Smt. Purna Laxmi Debbarma

Appellant(s)

Versus

Sri Atul Debbarma & Ors..

Respondent(s)

For Appellant(s)	:	Mr. Samar Das, Advocate
For Respondent(s)	:	None.

HON'BLE JUSTICE DR. T. AMARNATH GOUD

ORDER

07.07.2025

Heard Mr. Samar Das, learned counsel appearing for the appellant.

[2] The story, in brief, is that the victim was a prominent businessman and used to deal with meat and fish. On 08.11.2019, victim was going to a workshop for maintenance work of his old motorbike (which was not in running condition) bearing registration No.TR-01-C-7762 through Assam - Agartala road. On the way when he was taking a turn in front of Sathi Bank and Milk Diary, one motorbike bearing registration No.TR-01-AB-4845 coming from back side with high speed being driven rashly and negligently, suddenly dashed the motorbike of victim. As a result, victim fell down on the road and sustained severe bleeding injuries on his head and other parts of his body. Thereafter, local people informed the fire service who after reaching the spot rescued the injured and shifted him to GBP Hospital. During treatment, on 09.11.2019 at about 7.30 AM, he died in the said hospital. It is stated that accident had occurred due to rash and negligent riding of the motorbike by its rider. Accordingly, post mortem was

conducted and the dead body was handed over to the family members of the deceased. It is stated that for carrying the dead body and other ritual purposes, appellant spent an amount of Rs.4,00,000/- in total. The victim was 55 years old at the time of accident and used to deal with meat and fish business. By doing this business, deceased used to earn Rs.60,000/- per month. Appellant was fully dependent upon the income of the deceased but due to his unfortunate accidental death, appellant suffered a huge loss.

[3] Mr. Samar Das, learned counsel appearing for the appellant submits before this Court that the court below failed to appreciate the situation of the case, as well as the monthly income of the deceased husband which is categorically mentioned in her examination in chief that deceased husband used to earn 60,000/- per month and in support of this PW-2 also categorically mentioned in his examination in chief that he used to contribute 50,000/-per month from his earning, but the Trial court without considering the evidences miscalculate the income of the deceased and, thus, comes to an erroneous findings which is liable to be enhanced.

[4] Mr. Das, learned counsel further submits that Motor Vehicle Act is a public welfare legislation and considering this tribunal ought to accept the statement of appellant herein in respect to the monthly income of the deceased. He also submits that without considering beneficial legislation, tribunal has done a gross illegality and miscarriage of justice which requires to be set aside/quash.

[5] In support of the argument learned counsel for the appellant prays to remand the matter before the Court below as the proof of income was not placed before the Court below to say that he was doing fish and meat business and having a sufficient income to lead comfortable family life.

[6] Since, the claims under the Motor Vehicles Act is a beneficial legislation, so an opportunity has to be given to the appellant to approach the tribunal along with documents, and if that is so, the tribunal may examine the matter after giving a reasonable opportunity to both sides and pass an order as per procedure.

[7] In view of the above, the present appeal stands remanded back by setting aside the impugned order dated 06.03.2025 passed in T.S (MAC) No. 104 of 2020 by the learned Trial Court.

With the above observation and direction, the present appeal is remanded back and accordingly, the same is disposed of. As a sequel, miscellaneous application(s) pending, if any, shall also stand closed.

JUDGE



Paritosh

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