

**HIGH COURT OF TRIPURA
AGARTALA**

CRP No.48 of 2025

1. Mrs. Rekha Rani Debbarma Kalai, W/o Lt. Singha Rai Kalai;
 2. Mrs. Saloni Kalai, D/o Lt. Singha Rai Kalai;
 3. Mr. Salamon Kalai, S/o Lt. Singha Rai Kalai,
- All are the resident of Kulai, Ghantachara, P.O – Kulai, P.S.-Ambassa,
District- Dhalai Tripura, Pin-799204.

..... Petitioner(s).

V E R S U S

The Choramandalam MS General Insurance, 2nd Floor of “Teen Sanghi” A.K.
Road, Agartala, District-West Tripura.

..... Respondent(s).

For Petitioner(s)	: Mr. Debesh Chandra Roy, Advocate.
For Respondent(s)	: None.

HON’BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

11/07/2025

Heard Mr. Debesh Chandra Roy, learned counsel for the
petitioners.

Petitioners are the legal heirs of the of the claimant No.2-Binansri
Kalai who was one of the claimants in TS (MAC) No.74 of 2015 which was
decided by the judgement and award dated 10.11.2017 whereby a sum of
Rs.46,11,940/- was awarded in favour of the claimants as compensation. The
insurance company-OP No.2 was directed to pay the compensation in favour of
the claimants with interest from the date of presentation of the claim petition
before the learned tribunal. The MACT directed that the entire share of
compensation of claimants No.3 and 4, the minor children of the deceased,
namely Salamon Kalai and Smt. Salani Kalai, shall be kept in a fixed deposit
scheme till their majority or at least for five years. 75% share of compensation
of claimants No.1 and 2 be also kept in fixed deposit schemes with the same

bank at least for 5 years. However, liberty was given to draw quarterly interests accrued thereupon, if so desired. No loan or advance should be granted to the claimants on the strength of the FDRs. The award is at Annexure – A. The fixed deposit certificate is at page-20. The survival certificate showing petitioners as the surviving members of Late Binansri Kalai is at page-22, issued by Sub-Divisional Magistrate, Ambassa, Dhalai.

Petitioners on the basis of the survival certificate have sought pre-mature release of the fixed deposit amount. The application made before the learned MACT, West Tripura, Agatala, has been produced by learned counsel for the petitioner in which the petitioners contend that they required to withdraw the fixed deposit amount due to serious illness. The FDRs have completed 4 years' tenure.

The learned MACT, West Tripura, Agatala rejected the prayer as the claimant had not furnished/ produced any document before the Court to suggest that further treatment is necessary to withdraw the amount. Therefore, the prayer for pre-mature release of the FDRs was rejected.

On hearing learned counsel for the petitioner and after going through the application for pre-mature release of the fixed deposit amount and upon perusal of the impugned order along with other relevant documents taken note above, it appears that on this instance the petitioners failed to satisfy the learned MACT about the grounds of medical treatment of the concerned petitioner for release of the fixed deposit amount before its maturity.

Learned counsel for the petitioner submits that if another opportunity is granted, the petitioners would be in a position to adduce relevant

documents to satisfy that the amount is required for further treatment of the petitioner, by making a fresh application before the learned Motor Accident Claims Tribunal.

Having regard to the aforesaid facts and circumstances, though this Court is not inclined to interfere in the impugned order dated 05.05.2025 passed in TS (MAC) No.74/2015 by the learned Member, Motor Accident Claims Tribunal No.3, West Tripura, Agartala but the petitioners are allowed one more opportunity to file a fresh application with all supporting documents in support of the grounds of the treatment of the concerned petitioner for release of the fixed deposit amount on pre-mature basis which may be considered in accordance with law.

Accordingly, the instant petition is disposed of.

Pending application(s), if any, shall stand disposed of.

(APARESH KUMAR SINGH), CJ