

**HIGH COURT OF TRIPURA
AGARTALA
MAC APP NO.70 OF 2025**

National Insurance Co. Ltd... Represented by the Branch Manager,
National Insurance Company Limited, Udaipur Branch, P.S- R.K.Pur.
District-Gomati Tripura (Insurer of TR-03D-1801, Tata Ace Zip)

.....Opposite Party No.3-Appellant

VERSUS

1. Sri Jiban Debnath, S/o- Sri Jogesh Debnath, of vill & P.O-Subhash
Nagar, P.S- Belonia, District- South Tripura.

.....Claimant-Respondent

2. Sri Sailen Debnath, S/O Late Ranjit Debnath, of Vill & P.O.-Subhash
Nagar, P.S.- Belonia. District South Tripura. (Driver) of the offending
vehicle bearing No. TR-03D-1801, Tata Ace Zip)

3. Sri Raju Debnath S/O- Late Ranjit Debnath of vill& P.O:- Subhash
Nagar, P.S- Belonia, District- South Tripura (Owner of the offending
vehicle bearing No.TR-03D-1801. Tata Ace Zip)

..... Opposite Party Respondent(s)

HON'BLE JUSTICE DR. T. AMARNATH GOUD

Present:

For the Appellant(s) : Ms. Rajasree Purukayastha, Advocate.

For the Respondent(s) : Mr. R. Datta, Advocate.
Mr. A.T. Paul, Advocate.
Mr. S. Nag, Advocate.
Mr. A. Baidhya, Advocate.

08.12.2025

FINAL ORDER

1. This present appeal has been filed against the impugned award dated 29.07.2024 passed by the learned Motor Accidents Claims Tribunal No. 2, Belonia, South Tripura, in T.S. (MAC) 03 of 2022, whereby the learned Tribunal has awarded compensation of Rs. 15,09,000/- (Fifteen lakhs nine thousand) only, with interest @ 6% simple interest per annum from the date of registration of the claim w.e.f. 08.03.2022 till the date of

actual payment to the claimant-respondent, to be paid by the O.P. No. 3 appellant, the insurer of vehicle No. TR-03D-1801, Tata Ace Zip, within one month.

2. The brief facts of this case are that on 01.07.2017, at about 18:30 hours, the claimant-petitioner namely Jiban Debnath was returning home from Bankar market by riding his bicycle, and in the course of returning, when he reached near Ballamukha, at that time one vehicle bearing registration No. TR-03D-1801 (Tata Ace Zip), hereinafter called the offending vehicle, coming from the backside in a rash and negligent manner, dashed the claimant-petitioner, as a result of which the claimant-petitioner sustained grievous injuries.

3. The learned Tribunal, after hearing the parties and perusing the record, passed the impugned award dated 29.07.2024. Aggrieved by the said award, the appellant has filed the present appeal seeking to quash/set aside the impugned award dated 29.07.2024 passed by the learned Motor Accidents Claims Tribunal No. 2, Belonia, South Tripura, in T.S. (MAC) 03 of 2022.

4. Heard Ms. R. Purukayastha, learned counsel appearing for the appellant, as well as Mr. R. Datta, learned counsel appearing for the respondents.

5. Ms. R. Purukayastha, learned counsel appearing for the appellant, submits that the present case is not a case of motor accident but one of assault, which is clearly reflected from the materials on record. It is further contended that the learned Tribunal committed serious error in awarding a sum of Rs.3,00,000/- towards medical expenses when the claimant only proved medical bills to the extent of Rs.2,48,178/-. It is also argued that the learned Tribunal arbitrarily awarded a sum of Rs.50,000/- towards travelling expenses and Rs.25,000/- towards attendant charges without any cogent documentary proof, and as such, the impugned award is liable to be set aside.

6. On the other hand, Mr. Ratan Datta, learned counsel appearing for the claimant-respondent, submits that the award as passed by the learned Tribunal is just and proper and needs no further interference.

7. Heard and perused the record.

8. Upon careful consideration of the pleadings and materials placed before this Court, it is found that the grounds now sought to be raised were neither pleaded before the learned Tribunal nor supported by proper evidence. It is a settled principle of law that, in the absence of specific pleadings, documentary evidence cannot be entertained at the appellate stage. In view thereof, this Court finds no reason to interfere with the impugned award passed by the learned Tribunal.

9. This Court further observes that though the claimant could only prove a sum of Rs.2,48,178/- towards cost of treatment, the learned Tribunal awarded Rs.3,00,000/- under the said head, and further awarded Rs. 50,000/- towards travelling expenses incurred for treatment from Tripura to Bengaluru at Fortis Hospital. Considering the unforeseen nature of medical expenses and the necessity of travel for advanced treatment, the amounts awarded by the learned Tribunal are held to be just, fair, and reasonable.

10. Accordingly, with the above observation and direction, the impugned judgment and award is affirmed and the present appeal stands dismissed. As a sequel, stay, if any, stands vacated. Pending application(s), if any, also stand closed.

DR. T. AMARNATH GOUD, J

Suhanjit

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