

HIGH COURT OF TRIPURA
AGARTALA
MAC APP NO.74 OF 2025

National Insurance Co. Ltd.

Represented by the Branch Manager. National Insurance Company
Limited Agartala, 42 Akhaura Road, Agartala, West Tripura-799001
(Insurer of TR-08-B-8367, Motor Bike)

.....Opposite Party No.3 Appellant

VERSUS

1. Smt. Rekha Debnath,
W/o Late Manoranjan Debnath,

2. Miss Susmita Debnath,
D/o Late Manoranjan Debnath,

3. Sri Rajesh Debnath,
S/o Late Manoranjan Debnath,

All of Vill.- Rajibnagar, P.O.- Rajibnagar, P.S.- Manubazar, South
Tripura.

.....Claimant Respondents

4. Sri Sudarshan Debnath, S/o Anil Debnath, of Vill.- East Jalefa, P.S.-
Sabroom, District- South Tripura. (Owner of the offending Motor bike
bearing Reg. No. TR-08-B-8367 (Super Splendor)

5. Sri Bipul Debnath, S/o Late Jatindra Debnath, Vill.- East Jalefa, P.S.-
Jalefa Bazar, District- South Tripura. (Driver of TR-08-B-8367,
Motorbike).

.....Opposite Party Respondents

Present:

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

For the Respondent(s) : Mr. P. Roy Barman, Sr. Advocate.
Mr. S. Bhattacharjee, Advocate.
Mr. D. Paul, Advocate.

BEFORE
HON'BLE JUSTICE DR. T. AMARNATH GOUD

31.10.2025

Order

1. This appeal has been filed against the impugned award dated 19.11.2024 passed by the learned Motor Accidents Claims Tribunal, South Tripura, Sabroom, in T.S. (MAC) 06 of 2024, whereby the learned Tribunal has awarded compensation of Rs. 14,39,280/- (Rupees fourteen lakhs thirty-nine thousand two hundred eighty only) with interest @ 9% per annum from 04.03.2024, i.e., from the date of filing of the claim petition till realization of the awarded compensation, in favour of the claimant-respondents, to be paid by the O.P. No.3 / appellant, the insurer of vehicle No. TR-08-B-8367 (Motor Bike – Super Splendor), within 30 days from the date of the judgment.

2. The brief facts of the case are that on 17.09.2023 at about 09:00 a.m., one Manoranjan Debnath (since deceased) disembarked from a vehicle near a local market on the extreme left side of the National Highway after returning from Sabroom. At that relevant time, a motorcycle bearing registration No. TR-08-B-8367 (Super Splendor) came there in a rash and negligent manner and knocked down the said Manoranjan Debnath, causing multiple serious injuries on his head and other vital parts of his body. Subsequently, on the following day, he succumbed to his injuries while undergoing treatment at GBP Hospital, Agartala. The learned Tribunal, by the impugned award dated 19.11.2024, awarded compensation of Rs. 14,39,280/- (Rupees fourteen lakhs thirty-nine thousand two hundred eighty only) with interest @ 9% per annum from 04.03.2024, i.e., from the date of filing of the claim petition till realization of the awarded compensation, in

favour of the claimant-respondents, to be paid by the O.P. No.3 / appellant, the insurer of vehicle No. TR-08-B-8367 (Motor Bike – Super Splendor), within 30 days from the date of judgment. Hence, this present appeal.

3. Heard learned counsel appearing for both the parties.

4. Ms. R. Purukayastha, learned counsel appearing for the appellant, submits that since the deceased was 73 years old, the principle laid down by the Hon'ble Apex Court in *Smt. Sarla Verma & Ors. vs. Delhi Transport Corporation & Anr., reported in AIR 2009 SC 3104* applies only to cases involving deceased persons aged between 60 to 70 years. In the absence of any indication of an applicable multiplier beyond that age, the claimants are not entitled to any relief. Learned counsel further submits that the interest rate of 9% per annum on the awarded amount is on the higher side and should be reduced.

5. Heard and perused the record.

6. The argument advanced by the appellant on the point of multiplier, that since the deceased was 73 years old, the principle laid down in *Sarla Verma(supra)*, applies only to cases involving deceased persons aged between 66 to 70 years, and that in the absence of any indication of an applicable multiplier beyond that age, the claimants are not entitled to any relief, the said argument cannot be appreciated. The Motor Vehicles Act is a beneficial legislation and the Court below, while referring to *Sarla Verma (supra)*, has categorically dealt with this issue in paragraphs 19 and 20 of the judgment by assigning cogent reasons.

7. In view of the above discussion, no interference is warranted with the findings of the learned Tribunal. Accordingly, the award passed by the learned Tribunal is confirmed. However, since this Court uniformly follows an interest rate of 7.5% per annum, and the rate of 9% awarded by the Tribunal appears to be on the higher side, the same is reduced to 7.5% per annum.

8. The awarded amount, if not already deposited, shall be deposited within one month from today. Upon such deposit, the claimants

shall be at liberty to withdraw the same unconditionally as per law. The statutory deposit of Rs. 25,000/- made by the Insurance Company shall be refunded or adjusted towards the compensation amount as applicable.

9. Accordingly, the appeal stands dismissed and the impugned award is confirmed to the extent indicated above. As a sequel, stay, if any, stands vacated. Pending application(s), if any, also stand closed.

DR. T. AMARNATH GOUD, J

HIGH COURT OF TRIPURA



सत्यमेव जयते

suhanjit

Digitally signed by
SABYASACHI GHOSH
Date: 2025.11.04 15:37:59
+05'30'