

**HIGH COURT OF TRIPURA  
AGARTALA**

**MAC.App 81 of 2025**

**The Oriental Insurance Company Ltd.**

**---Appellant(s)**

**Versus**

**Sri Ramu Nama and 3 Ors.**

**---Respondent(s)**

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|                                                |   |                           |
|------------------------------------------------|---|---------------------------|
| For Appellant(s)                               | : | Mr. Rajib Saha, Advocate. |
| For Respondent(s)                              | : | None.                     |
| Date of hearing and date of judgment and order | : | 11.08.2025                |
| Whether fit for reporting                      | : | No                        |

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**HON'BLE JUSTICE DR. T. AMARNATH GOUD**

**Judgment & Order (Oral)**

[1] This is an appeal under Section 173 of the Motor Vehicles Act, 1988 read with Section 168 of the Act, filed by the appellant, insurance company, challenging the judgment and award dated 18.03.2025, passed by the Learned Motor Accident Claims Tribunal, Court No. 4, West Tripura, Agartala, Tripura, in Case No. T.S. (MAC) 183 of 2018.

[2] Brief resume of the case is that the claimant is that on 19.05.2016 he was returning home along with his father Narayan nama with the car No. TR-08-0670 owned by the OP No. 3 and insured under the OP No.4. At about 5-50 p.m. when they reached Parimal Chowmuhan under Bishalgarh P.S., the offending bus No. TR-01-1489 owned by the OP No.1 and insured under the OP No.2 coming from opposite direction with excessive speed in a rash and negligent manner hit the car. This resulted in multiple injuries to the claimant. Soon after the accident, the claimant was taken to Bishalgarh Hospital and after preliminary treatment he was referred to AGMC & GBP hospital, Agartala. On 22.05.2016 the claimant was referred to NNC, Kolkata where he got admitted and on 23.05.2016 a major operation was done on his head and on 25.05.2018 he was discharged from said hospital. Even after discharge from hospital the claimant continued his treatment. The accident was reported

to police and Bishalgarh Agartala P.S. case No. 60/2016 got registered and investigated.

[3] The O.P. No.1, owner of the offending bus No. TR-01-1489, did not appear to contest the case despite service of notice. However, the OPs No. 2 to 4 contested the proceeding by filing their separate written statements.

[4] The OP No. 2 denied all the material averments of the claimant and put him to strict proof thereof. Further plea of the OP No.2 is its liability is subject to fulfillment of the policy conditions and in case of any breach thereof, it cannot be held liable to indemnify the insured owner of the offending bus.

[5] The OP No. 3, owner of the car No. TR-08-0670 admitted the accident and the resultant injuries to the claimant. However, he pleaded that there was no rashness or negligence on the part of the driver of his case and that the accident occurred due to rash and negligent driving of the bus No. TR-01-1489. The OP No. 3 took further plea that at the time of accident his car was insured with the OP No. 4 insurer covering all risks and that the car was having all valid documents and it was driven by driver with valid driving licence, and accordingly liability for payment of compensation, if any lies upon the OP No. 4 insurer.

[6] After such exchange of pleadings, my learned predecessor framed the issues as under:-

*(1) Whether the claimant Sri Ramu Nama sustained bodily injury in a road traffic accident occurred on 19.05.2016 at about 1750 hours at Parimal Chowmuhan on the National Highway due to rash and negligent driving of bus bearing registration No. TR-011489 by its driver.*

*(II) Whether the claimant petitioner is entitled to get compensation as prayed for, if so, upto what extent and who will be liable to pay the same.*

[7] The learned court below after dealing with the issues so framed and after examining the records has passed the impugned order dated 18.03.2025, in the following manner:

OR DER

*18. The claim petition of the claimant is allowed for compensation amount of 3,19,000/- (Rupees Three Lakh Nineteen Thousand) only*

*with 8% simple interest per annum from the date of filing of claim petition i.e., from 05.05.2017 till realisation.*

*19. The OP No. 2 the Oriental Insurance Company Limited is held liable to pay the compensation as determined above.*

*20. The O.P. No.2 insurer is directed to pay the said amount of compensation to the claimant within a period of 30 (thirty) days from the date of award in terms of Section 168(3) of the Act.*

*21. The O.P. No. 2 insurer shall give notice of the deposit of the compensation amount to the claimant and shall also file a compliance report with this Tribunal within 15 days of the deposit.*

*22. Since no future loss of income is awarded, it is directed that on realisation the entire amount shall be paid to the claimant immediately through his bank account on production of relevant documents in this respect.*

**[8]** It is contended by the learned counsel for the appellant that the Ld. Tribunal most illegally and arbitrarily awarded the interest at a rate of 8%, which is on the higher side and does not reflect current economic conditions. With the general decline in interest rates on fixed deposits and other financial instruments, the awarded rate is disproportionately high, resulting in an excessive financial burden on the appellant. A more reasonable interest rate should be considered, aligning with prevailing interest rates and the principle of fair compensation.

**[9]** It is further contended that the Honorable Supreme Court and various High Courts have, in recent judgments, consistently awarded lower interest rates, typically around 6% to 7%, for compensation in motor accident claims. The Ld. Tribunal's decision to impose 8% interest disregards these judicial trends and sets an unfairly high rate, warranting reconsideration by this Court.

**[10]** Heard.

**[11]** In view of the above discussions and upon consideration of the submissions made, this Court finds substance in the contention of the learned counsel for the appellant with regard to the rate of interest awarded by the learned Tribunal. Having regard to the prevailing economic conditions and the recent judicial trends of the Hon'ble Supreme Court and our own High Court, the interest rate of 8% awarded by the learned Tribunal is found to be on the higher side.

**[12]** Accordingly, the impugned judgment and award dated 18.03.2025, passed by the Learned Motor Accident Claims Tribunal, Court No. 4, West Tripura, Agartala, Tripura, in Case No. T.S. (MAC) 183 of 2018 is modified to the limited extent that the awarded sum shall carry interest at the rate of 7.5% per annum from the date of filing of the claim petition till realization. Except for the aforesaid modification, the judgment and award of the learned Tribunal shall remain unaltered in all other respects.

**[13]** With the above observation and direction, this present appeal stands allowed to the extent as indicated above and thus disposed of. As a sequel, stay, if any, stands vacated. Pending application(s), if any, also stands closed.

**JUDGE**

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