

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_

MAC.App. No.84 of 2025

Smti. Amari Bala Das and 5 Others

.....Appellants

_V_E_R_S_U_S_

Smti. Mitu Deb and 2 Others

.....Respondents

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

HON'BLE JUSTICE DR. T. AMARNATH GOUD
_F_I_N_A_L_O_R_D_E_R_

14.08.2025

Heard.

[2] This is an appeal filed under Section-173 of the M.V. Act, 1988 against the judgment and order dated 27.05.2025 passed in connection with Civil Misc (Condo) 01 of 2024 by the learned Motor Accident Claims Tribunal, Court No.2, Udaipur, Gomati District and judgment and order dated 27.05.2025 passed in TS (MAC) 02 of 2024 whereby, the learned tribunal dismissed the condonation petition along with the T.S. (MAC) 02 of 2024.

[3] The appellants have prayed for the following reliefs:

- "i. Admit this appeal.
- ii. Call for records.
- iii. Issue notice.
- iv. After hearing the parties please to set aside/quash the order dated 27.05.2025 passed in Civil Misc (Condo) 01 of 2024 by the learned Motor Accident Claims Tribunal, Court No.2, Udaipur, Gomati District.

AND

Set aside/quash the order dated 27.05.2025 passed in T.S. (MAC) 02 of 2024 by the learned Motor Accident Claims Tribunal, Court No.2, Udaipur, Gomati District and pass such other order or orders as the Hon'ble Court may deem fit and proper for the ends of justice."

[4] The fact of the case is that the deceased Prabhat Chandra Das at around 19.00 to 19.20 pm while he was returning to his house and while he reached near by the house of one Haradhan Das suddenly one Auto Richkshaw vide No-TR-03B-2593 coming from the Udaipur with a high speed in a rash and negligent manner, dashed the deceased Prabhat Chandra Das from the back side, resulting which he fell down on the road and sustained grievous injury on his head and other parts of his body. While he has been referred to the AGMC & GBP Hospital, Agartala, Prabhat Chandra Das succumbed to his injuries. Accordingly, legal heirs

of the deceased submitted the claim petition which is registered as TS (MAC) 02 of 2024. Accordingly, at the time of filling the claim petition, the legal heirs of the deceased also filed one application under Section-5 of the Limitation Act to condone the delay of 134 days, which is registered as Civil Misc.01 of 2024 but, the learned tribunal after hearing the appellants herein passed an order on 27.05.2025 rejecting the condonation application as the learned tribunal found the explanation made in the application is not justifiable and accordingly, inconsonance to the order passed in condonation application the original claim petition is also dismissed.

[5] Hence, the present appeal has been preferred by the appellants before this Court for redress.

[6] In view of above and having heard the learned counsel appearing for the appellants, this Court is of the view that the ends of justice would be met if the matter is remand back to the concerned authority for consideration of the condonation application as per procedure since it is a beneficial legislation. Accordingly, the same is ordered. Consequently, the impugned order stands set aside.

[7] In that view of the matter, the present appeal stands remitted back to the learned Court below for fresh adjudication as per procedure. As sequel, miscellaneous application, pending if any, shall stand closed.

DR.T. AMARNATH GOUD, J

A. Ghosh

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