

**HIGH COURT OF TRIPURA
AGARTALA**

MAC App.86 of 2025

Sri Haradhan Nama

.....Appellant(s)

Versus

Sri Suman Datta and another

.....Respondent(s)

For Appellant (s) : Mr. Debalay Bhattacharya, Sr. Advocate
Ms. Ayantika Chakraborty, Advocate
Mr. Samar Das, Advocate
Mr. Sayan Ghosh, Advocate

For Respondent(s) : None.

Date of hearing and delivery
of judgment and order : 21.08.2025

Whether fit of reporting : Yes/No.

HON'BLE JUSTICE DR. T. AMARNATH GOUD

JUDGMENT & ORDER (ORAL)

[1] Heard Mr. Samar Das, learned counsel appearing for the appellant.

[2] The present appeal is filed under Section 173 of the Motor Vehicle Act, 1988 for enhancement the award passed in T.S.(MAC) 140 of

2018 by the Motor Accident Claim Tribunal, Court No-4, West Tripura, Agartala, dated 11.02.2025.

[3] The brief facts of the case of the claimant appellant are that he is the bereaved son of the deceased Nitai Nama. The claimant filed an application under Section 166 of the Motor Vehicles Act (MV Act) before the learned tribunal for grant of compensation for death of his father in the road traffic accident that occurred on 11.03.2016. It was stated by the claimant before the learned trial Court that that on 11.03.2016 at about 11-30 a.m. when his father was on the left side of the road near the hospital, the offending auto rickshaw No. TR-07-2125 running from Bishalgarh side and driven in rash and negligent manner, at high speed, dashed the victim from his back side. Soon after the accident, the victim was taken to Bishalgarh SD Hospital, then to AGMC & GBP hospital, Agartala. During treatment, the victim succumbed to his injuries at the hospital at 10-30 a.m. of 16.03.2016. The incident was reported to police and Bishalgarh PS. Accordingly, case No. 2016BLG034 got registered and investigated and was resulted in filing of charge sheet against Sri Suman Datta, the driver owner of the offending auto rickshaw.

[4] The OP, owner of the offending auto rickshaw (respondent No.1 herein) by filing his written statement resisted the claim denying involvement of his auto rickshaw in the accident. His further pleading was that his auto rickshaw was duly insured with the noticee insurer and the driver also had

valid driving license. Thus, the OP-owner prayed for fixing the liability for payment of compensation upon the insurer. The insurer also filed its written objection and contested the claim and denied and disputed the case of the claimant and prayed for strict proof thereof. It was further contended that the claim was exorbitant and excessive.

[5] Thereafter, learned trial Court upon hearing the parties and on perusal of the material evidence on record, has passed the impugned order dated 11.02.2025 in T.S.(MAC) 140 of 2018, the relevant contents of the said order is extracted as under:

“.....ORDER

21. In the result, present application under section 166 of the MV Act. 1988 filed by the claimant Sri Haradhan Nama is allowed on contest with an award of ₹3,95,000/- (Rupees Three Lakh, Ninety-five Thousand) only with 8% simple interest from the date of filing of the claim petition i.e., from 23.08.2018.

22. The noticee Oriental Insurance Co. Ltd. is hereby held liable to pay the compensation amount as determined herein above. Payment shall be made within a period of 30 (thirty) days from the date of this award in terms of Section 168(3) of the Act.

23. The noticee 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.

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

[6] By filing the instant appeal, the following reliefs have been sought for by the appellant:

“i) Admit this Appeal;

ii) Call for records

iii) After hearing the parties be pleased enough to set aside/ quash and enhance the judgment and award passed in T.S.(MAC) 140 of 2018 by the Motor Accident Claim Tribunal, Court No-4, West Tripura, Agartala, dated 11/02/2025 and Pass any other order/orders as this Hon'ble High Court may deem fit and proper.....”

[7] Mr. Samar Das, learned counsel for the appellant submits that learned tribunal failed to appreciate the pleadings of the clamant and without considering the facts comes to an erroneous findings and a meager amount of award has been passed which is liable to enhanced. He further contends that the compensation of the award as fixed by the learned trial Court is not just and proper in the eye of law. He, therefore, urges this Court to set aside the impugned order dated 11.02.2025.

[8] Heard the submissions made at the Bar. Perused the record.

[9] Upon hearing the submissions made at the Bar and on perusal of the documents placed on record, this Court is of the view that the award passed by the learned trial Court needs no interference and with the above awarded compensation, ends of justice would be met in respect of the claimant herein. Thus, the award dated 11.02.2025 in T.S.(MAC) 140 of 2018 passed by the learned trial Court is hereby affirmed.

[10] In view of the above, the appeal stands dismissed. As a sequel, miscellaneous applications pending, if any, shall stand closed.

JUDGE

Sabyasachi G.

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