

**HIGH COURT OF TRIPURA
AGARTALA**

MAC App.84 of 2023

**The United India Insurance Co. Ltd., represented by its
Divisional Manager,**

..... Appellant(s)

Versus

Smt. Sitamala Reang and others

..... Respondent(s)

For Appellant(s)	:	Mr. P. Gautam, Advocate.
For Respondent(s)	:	Mr. K.C. Bhattacharjee, Advocate. Mr. D.C. Saha, Advocate. Mr. Sankar Lodh, Advocate. Mr. S.S. Debnath, Advocate.
Date of hearing and delivery of judgment & Order	:	30.01.2025
Whether fit for reporting	:	Yes/No.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Judgment and order (Oral)

The present appeal is filed under Section 173 of the Motor Vehicles Act, 1988, read with section 168 of the Act against the impugned Judgment and award dated 29.03.2023 passed by the learned Motor Accident Claims Tribunal, South Tripura, Belonia, in Case No. T.S.(MAC) 07 of 2019.

[2] The case in brief is that on 06.12.2018 at about 5.20 pm while Debabrata Reang and Sukhroy Reang were proceeding towards their house situated at B.C Manu from Julaibari by riding a motor cycle bearing No. TR-03E-6596 (Pulsar-150) and they reached at Raifung, Moraika Para, they met an accident with a truck bearing No. TR-02-D-

1840. Thereafter by the help of local people they were shifted to Santirbazar hospital and the attending medical officer of Santirbazar hospital declared that Debabrata Reang was died and Sukhroy Reang was referred to GBP Hospital and the medical officer of GBP hospital declared him brought dead. Thereafter on 19.03.2019 Sitamala Reang and others filed a Claim petition before the learned Motor Accident Claims Tribunal, South Tripura, Belonia.

[3] Upon hearing the parties, learned Tribunal on 15.03.2022 has decided the case of the claimants in case No. T.S. (MAC) 07 of 2029 in the following manner:

".....O R D E R

[15] In the result, the O.P., United India Insurance Co. Ltd. shall pay the amount of compensation of Rs.46,92,605/- with interest @ 7% per annum from 19.03.2019 till the date of actual payment.

[16] Thus, the claim petition is allowed on contest.

[17] Supply a copy of this award to the parties free of cost....."

[4] Thereafter, the claimant petitioners preferred a review petition bearing no. Civil Misc (revision) 01 of 2022 of the judgment and award dated 15.03.2022, and the case was revived by order dated 30.06.2022 and the claimant petitioners filed an amended plaint on 12.07.2022 praying for addition of parties.

[5] Subsequently, upon hearing both the parties, on 29.03.2023, the learned Tribunal in T.S.(MAC) 07 of 2019 passed an order in the following manner:

".....O R D E R

[20] In the result, the O.P., United India Insurance Co. Ltd. shall pay the amount of compensation of Rs.93,15,210/- with interest @ 7% per annum from 19.03.2019 till the date of actual payment.

[21] Thus, the claim petition is allowed on contest.

[22] Supply a copy of this award to the parties free of cost....."

[6] Being aggrieved by the aforesaid impugned judgment and award dated 29.03.2023, the appellant-Insurance company has preferred the instant appeal seeking following reliefs:

"a) Admit the appeal;

b) Call for the case records from the Learned Tribunal below;

c) Stay the operation of the impugned judgment and award dated 29.03.2023 passed by the Ld. Motor Accidents Claims Tribunal, South Tripura, Belonia, in Case No. T.S.(MAC) 07 of 2019, and the Hon'ble High Court may kindly be pleased to direct the Id. Tribunal, not to proceed with any execution proceeding if any filed by the claimant respondents in the mean time, till disposal of the present appeal.

d) After hearing the parties be pleased enough to set aside/quash the impugned judgment and award dated 29.03.2023 passed by the Ld. Motor Accidents Claims Tribunal, South Tripura, Belonia, in Case No. T.S.(MAC) 07 of 2019."

[7] Heard learned counsel for the respective parties. Perused the record.

[8] It is seen that by the order dated 30.06.2022 in Civil Misc (Rev.) 1 of 22 the original case being T.S. (MAC) 7 of 2019 was revived on the ground that the claimant side came to know that necessary party was not added in the original case. Thereafter, the original case has been reviewed and the impugned order dated 29.03.2023 has been passed by the learned Tribunal.

[9] Upon hearing the submissions made at the Bar, this Court is of the view that there is no power delegated under the statute for reviewing the original case being T.S. (MAC) 7 of 2019 and the while passing the impugned order dated 29.03.2023, no proper reasoning has

been made out. The learned Court below needs to pass a reasoned order. So, this Court opines that ends of justice would be met if the matter is remanded back for fresh adjudication and the impugned order dated 29.03.2023 passed by the learned Court below is set aside, and accordingly the same is ordered. The Court below is directed to pass a speaking order in the light of the evidences that are already available on record. Since the matter has already been dealt with and the Court below needs to pass only a reasoned order, the matter be decided as expeditiously as possible by giving an opportunity of hearing to both the sides. It is needless to observe that both the sides would co-operate with the court proceedings.

Thus, the present appeal stands allowed to the extent as indicated above. As a sequel, miscellaneous application(s) pending, if any, shall stand closed.

Send down the LCR.



JUDGE

Sabyasachi G.

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