

**HIGH COURT OF TRIPURA**  
**A\_G\_A\_R\_T\_A\_L\_A**  
**MAC. App. No.98 of 2024**

1. The Divisional Manager, (to be represented by the Asstt. Manager),  
New India Assurance Co. Ltd.

**..... Appellant**

**-V E R S U S-**

1. Smti. Sandhya Rani Debnath and 2 & Others.

**..... Respondents.**

**B\_E\_F\_O\_R\_E**  
**HON'BLE MR. JUSTICE T. AMARNATH GOUD**

|                           |   |                                                      |
|---------------------------|---|------------------------------------------------------|
| For Appellant(s)          | : | Mr. A. K. Deb, Advocate.                             |
| For Respondent(s)         | : | Mr. N. Chowdhury, Advocate.<br>Mr. K. Deb, Advocate. |
| Whether fit for reporting | : | <b>NO</b>                                            |

**Judgment and order dated 3<sup>rd</sup> April, 2025**

**JUDGMENT & ORDER [ORAL]**

Heard.

[2] This is an appeal filed under Section-173 of the M.V. Act, against the impugned award dated 27.05.2024 passed in T.S. (MAC) 05 of 2021 by the learned Member, Motor Accident Claims Tribunal, Sepahijala District, Bishalgarh.

[3] The appellant has prayed for the following reliefs:

- a. Admit the appeal.
- b. Call for the record of T.S. (MAC) 05 of 2021 from the Ld. Member Sri D. Kar, Motor Accident Claims Tribunal, Bishalgarh, Sipahijala District.
- c. Issue notice upon the respondents.

**AND**

After hearing both the parties Hon'ble Court would be pleased enough to kindly modify the impugned award dated 27.05.2024 passed in T.S. (MAC) 05 of 2021 by Sri D. Kar, Motor Accident Claims Tribunal, Bishalgarh, Sipahijala District, towards "just & proper compensation".

[4] The facts in brief are that the accident occurred on 21.09.2019 while Sri Chitta Rn.Debnath, was coming from Dayarampara towards Golaghati by riding Motor Cycle No.TR-01-F-1086 and reached at Jagannath para at about 11.45 a.m. he stopped his motor cycle when he saw Sri Srinibash Debnath was standing. At that time offending vehicle No.TR-01-M-1786(TATA-207-DI) dashed with the Motor Cycle by way of rash and negligent driving as a result both received injuries but on way to GBP Hospital Chitta Rn.Debnath succumbed to his injuries. A police case was registered vide Takarjala P.S. Case No.2019 TKJ 027/2014. U/S.279/338/304(A) IPC read with Section 177/183/184 of M.V.Act. Deceased was by profession a Fireman of Directorate of Fire Service, Agartala having monthly income of Rs.33,735/- and his age was 33 years. Claimant filed petition under Section-166 of the M.V. Act claiming compensation of Rs.95,00,000/-. The learned Court below after hearing all the parties awarded compensation of Rs.49,25,488/- with 9% interest fixing liability upon the Noticee, New India Assurance Co. Ltd., to pay the compensation amount to the claimant-respondent vide Award dated 27.05.2024.

[5] The learned Tribunal after hearing the parties and on perusal of the material evidence on record has observed as under:

“In the result, claim is awarded in following terms:

(1) Claimant petitioner is entitled to get the award of Rs.49,25,488/- (Rupees Forty nine lakhs twenty five thousand four hundred eighty eight) only along with 9% simple interest per annum from the date of registration of claim i.e, w.e.f. 26.03.2021 till the date of realization thereof from the Noticee, the New India Assurance Co. Ltd.

(ii) 40% of the award of claimant shall be invested by purchasing separate Fixed Deposit certificate in the name of claimant petitioner from any Nationalized Bank at least for the next 5 years with a liberty to the claimant petitioner to withdraw the monthly interest from her own account and no loan or advance or pre-mature withdrawal shall be allowed without prior sanction of this Tribunal.

The Noticee i.e. the New India Assurance Company Limited shall deposit the awarded amount along with interest thereon within one month from this day with this Tribunal.

Supply a copy of this award free of cost to the parties by not later than 15 days from the date of the award.

The case stands disposed off on contest.”

[6] Being aggrieved and dissatisfied with the award, New India Assurance Co. Ltd., as appellant, preferred the present appeal.

[7] Having regard to the assessment of compensation as assessed by the learned tribunal is just and proper and needs no interference as the reasoning given in the award itself is sufficient as such, the assessment of award shall remain unaltered. Regarding the interest part, the learned tribunal below has awarded 9% per annum which is obviously on the higher side. This Court in all matters is fixing 7.5% interest and to maintain uniformity while comparing the bank rate of interest which is also much less. Consequently, the claimants would be entitled compensation as observed by the learned tribunal below along with 7.5% interest per annum instead of 9% interest as awarded by the learned tribunal below, with effect from the date of presentation of the claim petition till the date of actual payment. Thus, the present appeal stands partly allowed as indicated above.

[8] In the light of the above, the present appeal stands partly allowed. The awarded amount shall be deposited by the insurance company within a period of one month from the date of receipt of the copy of this order, if not deposited. However, it is made clear that on such deposit; the claimants are at liberty to withdraw the same unconditionally.

[9] As a sequel, miscellaneous applications pending, if any, shall stand closed. Draw the decree accordingly and thereafter, send down the LCRs forthwith.

**T. AMARNATH GOUD, J**

*A.Ghash*

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