

**HIGH COURT OF TRIPURA
AGARTALA
MAC APP 96 OF 2025**

The Branch Manager, Shriram General Insurance Company Limited, Ward No. 39, House No. 390971, near Tripura Gramin Bank, Bardowali, P.O. A.D. Nagar, Agartala, West Tripura, PIN-799003
(Insurer of the vehicle bearing registration No. TR-08-0592, Maruti Suzuki Eeco)

-----Appellant(s)

Versus

1. Sri Arup Ghosh, son of Sri Swapan Ghosh, resident of Madhya Krishnanagar, P.S. Belonia, District- South Tripura.

-----Claimant-Respondent

2. Sri Bivash Datta, son of late Mantu Ram Datta, resident of village- West Pilak, P.S. Baikhora, District-South Tripura
(Owner of the vehicle bearing registration No. TR-08-0592, Maruti Suzuki Eeco)

3. Sri Bivash Datta, son of late Mantu Ram Datta, resident of village- West Pilak, P.S. Baikhora, District-South Tripura
(Driver of the vehicle bearing registration No. TR-08-0592, Maruti Suzuki Eeco)

----- Respondents

For Appellant(s)	:	Mr. K. De, Advocate
For Respondent(s)	:	None
Date of hearing & delivery of Judgment & Order	:	06.11.2025
Whether fit for reporting	:	Yes / No

**BEFORE
HON'BLE JUSTICE DR. T. AMARNATH GOUD
Judgment & Order (Oral)**

06/11/2025

This is an appeal preferred by the appellant- Insurance Company against the impugned judgment and award dated 25.06.2025 passed by the Motor Accident Claims Tribunal No.1, Belonia, South Tripura in case No. T.S. (MAC) 11 of 2024.

2. Heard Mr. K. De, learned counsel appearing for the appellant-Insurance Company. None appears for the respondents.

3. The facts, in short outlined here is that, on 12.05.2023, the claimant-respondent was while was proceeding towards Santirbazar from Krishnanagar by driving his auto-rickshaw bearing no. TR-08-C-1920, on the way at about 12.30 p.m. on reaching near Manirampur bazaar, the offending Maruti Suzuki Eeco vehicle bearing registration No. TR-08-0592, violently hit the auto rickshaw of the claimant-respondent resulting which the claimant-respondent sustained multiple grievous fracture injuries on his body and his auto-rickshaw got crushed. Thereafter, he was under medical supervision at GBP hospital from 12.05.2023 to 23.05.2023 where he also had undergone an operation in his stomach. For the said accident and the injuries suffered, the claimant-respondent filed a claim case before the learned Tribunal for compensation.

On receipt of the claim application, the appellant-insurance company as well as the owner-cum-driver of the offending vehicle by filing their respective written statements contested the claim application. In course of the proceeding, witnesses were examined and cross-examined and documents were also exhibited by the learned Tribunal.

Following the settled principles of law, the learned Tribunal has quantified the compensation to the tune of Rs. 45,000/- along with interest @6% per annum from the date of filing of the claim application till the date of its realization.

Being aggrieved by and dis-satisfied with the said judgment and award dated 25.06.2025 passed by the learned Tribunal in T.S. (MAC) 11 of 2024, the insurance company has preferred this appeal with the following reliefs:

- "a) Admit the appeal;**
- b) Call for the records from the Learned Tribunal Below;**
- c) Stay the operation of the impugned judgment and award dated 25.06.2025 in case no. T.S.(MAC) 11 of 2024 passed by the Learned Motor Accident Claims Tribunal, South Tripura, Belonia;**
- d) After hearing the parties be pleased enough to set aside/quash and modify the impugned judgment and award dated 25.06.2025 passed by the Learned Tribunal in T.S.(MAC) 11 of 2024."**

4. Mr. De, learned counsel appearing for the appellant-insurance company has submitted that the learned Tribunal has not considered maintainability of the claim petition on the ground of limitation occurred in filing the claim case. Learned counsel has also submitted that the accident occurred on 12.05.2023, but the claim petition was filed on 04.05.2024 i.e. after almost 358 days from the date of accident. Learned counsel also submitted that on to that issue, the insurance company has filed an application for dismissal of the claim petition since the same is barred by limitation wherein it was contended that the accident took place on 12.05.2023 and in pursuance of the amendment, which came into force on 01.04.2022, the claim petition needs be filed within a period of six months, but the same has been filed after almost 358 days. In fine, learned counsel has urged this court to quash the impugned judgment and order passed by the learned Tribunal.

5. I have perused the entire record including the award passed by the learned Tribunal.

6. On scrutiny of the record, it is seen that the application by the insurance company was presented before the learned Tribunal on 31.07.2024. Learned court below on 03.09.2024 has received the written statement filed by the appellant-insurance company and fixed the matter on 08.11.2024 and, disposed of the case by passing an award on 25.06.2025. In the written statement, the appellant-insurance company has categorically stated that the claim petition has been filed after elapse of almost 358 days from the date of occurrence i.e. after the period of limitation, hence, the same is barred by limitation as per provisions laid down under Section 166(3) of the Motor Vehicles Act, 1988 (amended as on 2019), which clearly implies that no application for compensation shall be entertained unless it is made within six months of the occurrence of the accident. It is further seen from the judgment and award that there is no whisper as to the contention made by the appellant-insurance company on to the point of maintainability due to delay in filing the claim petition. This is a legal and technical issue which needs to be examined by the court below and the same is apparently missing in the proceeding.

7. In this view of the matter, the impugned judgment and award dated 25.06.2025 passed by the learned Tribunal in T.S. (MAC) 11 of 2024, is hereby set-aside and the matter is remanded back to the learned Tribunal for proper examination and appreciation. However, it is made clear that both the parties shall be given a reasonable opportunity.

8. Accordingly, the appeal preferred by the appellant-insurance company stands allowed and thus disposed of. Pending application(s), if any, also stands disposed. Send down the LCRs forthwith.

JUDGE

