

**HIGH COURT OF TRIPURA
AGARTALA
MAC APP NO.105 OF 2025**

Sri. Narayan Sarkar S/O: Sri Chitta Rn. Sarkar Of,
Surjyamaninagar, Ps- Amtali, District- West Tripurs,
Agartala, (Owner of TR-01-B-4445 Cruiser)

.....Appellant

Vs.

1. New India Assurance Co. Ltd.,
Mantribari Road, Agartala,
P/S:- West Agartala, District- West Tripura,
(Insurer of TR-01-B-4445 Cruiser).

2. Sri Mihir Das,
S/O Sri Susil Das Of Badharghat, Matripalli,
P/S- Amtali, District- West Tripura.

3. National Insurance Co. Ltd..
A.K. Road, Agartala, P.S-West Agartale,
Dist-West Tripura (Insurer of the vehicle of TR-08-8556 motor bike).

.....Respondent(s)

HON'BLE JUSTICE DR. T. AMARNATH GOUD

Present:

For the Appellant(s) : Mr. D. Bhattacharjee, Sr. Advocate.
Mr. S. Das, Advocate.

For the Respondent(s) : Mr. A. Gon Chowdhury, Advocate.
Mr. Mihir Kanti Ray, Advocate.
Mr. K.L. Biswas, Advocate.

08.12.2025

FINAL ORDER

1. This present appeal has been filed against the judgment and award passed in T.S.(MAC) 230 of 2019 by the Motor Accident Claims Tribunal, Court No.-4, West Tripura, Agartala, dated 13.02.2023.

2. The brief facts of this case are that the respondent No.-2 herein filed one claim petition before the Motor Accident Claims Tribunal, West Tripura, Agartala, for granting compensation on account of physical injury sustained by him in a vehicular accident. It is also alleged that the

accident occurred due to reckless and irresponsible driving of the offending cruiser vehicle by its driver. It is further contended that the claimant, being a Government employee, used to earn Rs. 48,141/- per month as salary, but due to the said unfortunate accident, he became disabled. The appellant herein, i.e. the owner of the offending vehicle, has contested the suit by filing a written statement and respondent No.-3 also contested the suit by filing a written statement denying all the allegations. The learned Tribunal, after hearing the parties, passed the impugned judgment and award on 13.02.2023, whereby the learned Tribunal awarded compensation amounting to Rupees six lakh, and the liability has been fastened upon the respondent No.-1, i.e. New India Assurance Co. Ltd., with direction that respondent No.-1 shall have the right to recover the same from the appellant herein, applying the principle of "*pay and recovery*".

3. Aggrieved by the said impugned judgment and award, the appellant, i.e. the owner of the vehicle bearing No. TR-01-B-4445 (Cruiser), has filed this appeal seeking to set aside/quash the judgment and award passed in T.S.(MAC) 230 of 2019 by the learned Motor Accident Claims Tribunal, Court No.-4, West Tripura, Agartala, and also to modify the judgment and award and fasten the liability upon the Insurance Company.

4. Heard Mr. S. Das, learned counsel appearing for the appellant, as well as Mr. M.K. Ray, learned counsel appearing for the respondents.

5. Mr. Das, learned counsel appearing for the appellant, submits that the learned Trial Court fastened the liability upon the owner of the vehicle on the ground that the xerox copy of the driving licence of the driver of the vehicle cannot be accepted since the same is a secondary document and the primary document is not available. Learned counsel also placed the certified copy of the driving licence of the driver before this Court.

6. Heard and perused the record.

7. In terms of the submissions made by the learned counsel for the appellant and upon perusal of the materials on record, the matter is remanded back to the learned Trial Court for fresh consideration by taking the relevant documents on record. Both sides are given liberty to

proceed with the matter in accordance with law. The certified copy of the driving licence of the driver, which has been exhibited before this Court, shall be duly taken on record and marked as an exhibit by the learned Trial Court in accordance with law. The learned counsel is at liberty to file appropriate application before the Registry and to receive all necessary documents as per his requirement.

8. With the above observation, this present application stands disposed of. Pending application(s), if any, also stand closed.

DR. T. AMARNATH GOUD, J

Suhanjit

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HI GHOSH

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