

HIGH COURT OF TRIPURA
A_G_A_R_T_A_L_A
MAC. App. No.109 of 2024

1. Sri Sushanta Chandra Bhowmik.

..... *Appellant*

-V E R S U S-

1. Sri Rajesh Datta and Another

.....*Respondents.*

B_E_F_O_R_E
HON'BLE MR. JUSTICE T. AMARNATH GOUD

For Appellant(s)	:	Mr. S. Majumder, Advocate.
For Respondent(s)	:	Mr. A. K. Deb, Advocate.
Whether fit for reporting	:	NO

Judgment and order dated 3rd April, 2025

JUDGMENT & ORDER [ORAL]

Heard.

[2] This is an appeal filed under Section-173 of the Motor Vehicles Act, 1988 against the judgment and award dated 30.05.2024 passed by the learned Member, Motor Accident Claims Tribunal, No.1, West Tripura, Agartala in T.S. (MAC) 39 of 2018 whereby the learned tribunal below awarded Rs4,77,450/- in favour of the claimant-respondent No.1 and directed the appellant to pay the same.

[3] The facts in brief are that the on 29.09.2017, the respondent No. d1 was returning from airport side by riding his own motor bike bearing registration No.TR-01-F-7858 after enjoying Durga Puja at Ushabazaar and at about 0845 hours when he reached at Co-operative near Kalibari on airport road under airport P.S., one tripper truck vehicle bearing registration No. TR-01-AE-1665 moving from the opposite direction dashed the respondent No. 1 resulting which he sustained grievous injuries on his person. Immediately, after the accident he was shifted to AGMC & GBP hospital and for his better treatment he was referred to Kolkata where he had undergone treatment. For claiming compensation for the vehicular accident, the respondent No. 1 filed a claim petition under Section-166 of the M.V. Act, 1988, before the learned

Member, Motor Accident Claims Tribunal, Court No.1, West Tripura, Agartala, and the same was registered and marked as T.S. (MAC) 39 of 2018. After hearing the parties, the learned tribunal awarded Rs.4,77,450/- as compensation along with interest @9% per annum in favour of respondent No. 1 and directed the appellant herein to pay the same. .

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

“It is, therefore, held that the petitioner Sri Rajesh Datta is entitled to get compensation of Rs.4,77,450/- (Rupees Four Lakh Seventy Seven Thousand Four Hundred Fifty only) with interest @ 9% per annum from 06.04.2018 i.e. the date of filing of the claim petition till the date of actual payment. The owner of the offending vehicle namely, Sri Sushanta Ch. Bhowmik, S/o Sri Pradip Bhowmik, Resident of Rabindra Nagar, Renters Colony, Agartala, P.S- East Agartala, District - West Tripura, PIN -799004 is directed to make payment of compensation with interest within 30 days from today.

Supply copy of this award free of cost to the parties.

The claim petition stands disposed of on contest.”.”

[5] Being aggrieved and dissatisfied with the same, the present appeal has been preferred by the appellant before this Court for redress.

[6] During the course of hearing, the appellant submitted that he has certain crucial documentary evidence to show the vehicle is insured and the liability to be fastened upon the insurance company. It is not for this Court to appreciate the evidence and this Court feel that matter requires a re-examination and to adduce additional evidence to meet the ends of justice and thus, needs to be remanded.

[7] In view of above and having heard the learned counsel appearing for the parties, without expressing any opinion on merits, this Court is of the view that ends of justice would be met if the matter is remitted back to the learned Court below for fresh adjudication by setting aside the judgment and award as challenged in this appeal and accordingly, the same is ordered. However, it is made clear that at the time of re-appreciating the evidence, both the parties shall be given opportunity for filing their respective documentary evidence and the matter be decided as per procedure.

[8] In that view of the matter, the appeal stands disposed of. As a sequel, miscellaneous applications pending, if any, shall stand closed.

T. AMARNATH GOUD, J

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