

**HIGH COURT OF TRIPURA
AGARTALA
MAC APP. NO.117 OF 2024**

The Divisional Manager, The National Insurance Co. Ltd.
Vs.
Sri Monto Shil and ors.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Present:

For the Appellant(s) : Mr. Shubahjit Chakraborty, Advocate.
Mr. Samar Das, Advocate.
For the Respondent(s) : Ms. Monalisa Sarkar, Advocate.

04.04.2025

Order

This present appeal under Section 173 of the Motor Vehicles Act, 1988, is filed by the appellant-Insurance Company challenging the Judgment and Award dated 12.12.2023, passed by the Learned Motor Accident Claims Tribunal, Khowai, Tripura, in Case No. T.S. (MAC) 09 of 2021.

2. The brief facts of the case are that on 07.04.2021, at about 11:00 PM, the victim was proceeding towards Agartala by boarding a vehicle bearing registration No. TR-06-0216 (Maruti Celerio Car). When the vehicle reached near Icharbill School on Teliamura-Khowai Road under Teliamura Police Station, it met with an accident resulting in the victim sustaining multiple grievous injuries. Immediately after the accident, the victim was taken to Teliamura Hospital for treatment, but he succumbed to his injuries therein. The Claimant-Respondents, i.e., Respondent Nos. 1 to 3 herein, filed an application on 27.07.2021 under Section 166 of the Motor Vehicles Act, 1988, seeking compensation of Rs.30,00,000/-

for the death of the victim, in the road traffic accident that occurred on 07.04.2021. After hearing the parties and concluding the trial, the Learned Tribunal passed the Judgment and Award dated 12.12.2023, whereby the petition under Section 166 of the Motor Vehicles Act was allowed. The Claimant-Respondent No. 1 was awarded a sum of Rs.15,78,000/- (Rupees Fifteen Lakh Seventy-Eight Thousand only) along with interest at the rate of 9% per annum from the date of filing the claim application until realization. Aggrieved by the impugned Judgment and Award, which is claimed to be excessive and erroneous, the appellant-Insurance Company has preferred the present appeal.

3. Heard Mr. Shubhajit Chakraborty, learned counsel appearing for the appellant-Insurance Company, as well as Ms. Monalisa Sarkar, learned counsel appearing for the respondents.

4. Mr. Chakraborty, learned counsel appearing for the appellant-Insurance Company, submits that the learned Tribunal failed to follow the guidelines of the Hon'ble Supreme Court in awarding the compensation. He further argued that the interest rate of 9% per annum awarded by the learned Tribunal is on the higher side and the same should be reduced.

5. Heard and perused the evidence on record.

6. The learned Tribunal, while awarding compensation, relied upon the principles laid down by the Hon'ble Supreme Court in its Judgment reported in **(2016) 16 SCC 206**, titled **Sandhya Rani Debbarma and Ors. vs. National**

Insurance Company Ltd. and Anr. This Court is of the opinion that the same does not require further interference. However, the interest awarded by the learned Tribunal at 9% per annum is on the higher side. This Court, in similarly situated matters, has been fixing interest on the awarded amount at 7.5% per annum as a standard rate, and the same is imposed in the present case. The remaining part of the order passed by the learned Tribunal shall remain unchanged. The appellant-Insurance Company shall deposit the awarded amount within 1 (one) month from today, if not already deposited. Upon such deposit, the claimants are at liberty to withdraw the same as per the prescribed procedure.

7. With the above observations and directions, the present appeal stands disposed of. As a sequel, any interim stay, if granted, stands vacated. Pending application(s), if any, also stand closed.

JUDGE

suhanjit

RAJKUMAR
SUHANJIT SINGHA

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