

**HIGH COURT OF TRIPURA
AGARTALA**

MAC. APP. NO.117 OF 2025

Sri Partha Pratim Chowdhury
son of Sri Milan Chowdhury
village- Barpathari, P.S.- P.R. Bari
Dist. South Tripura

.....Appellant Claimant Petitioner

VERSES

1. **Selim Miah**
son of late Nurul Islam
Village- Sonamura, Hospital Road
P.S. Sonamura, District- Sepahijala Tripura
(Owner of the offending vehicle No. TR-01-B-3215, Maxx).
2. **The Divisional Manager,**
New India Assurance Company Limited
Divisional Office, RMS Chowmuhani,
Old Mantribari Road, Agartala, P.S. West Agartala,
District- West Tripura
(Being the insurer of the motor cycle No. TR-01-B-3215, Maxx)

.....Opposite party respondents.

For the Appellant(s)	: Mr. Biswajit Nath, Advocate. Mr. Saugat Datta, Advocate.
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For the Respondent(s)	: None.
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Date of hearing and delivery of Judgment & Order	: 14.11.2025
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<u>Whether fit for reporting</u>	: NO.
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**HON'BLE JUSTICE DR. T. AMARNATH GOUD
J U D G M E N T & O R D E R (O R A L)**

1. This present appeal has been filed by the appellant,
challenging the judgment and award dated 17/07/2025 passed by the learned

Motor Accident Claims Tribunal, West Tripura, Agartala, Court No. 1, in T.S. (MAC) 31 of 2020.

2. The brief facts of the case are that the appellant herein met with an accident on 28.08.2019 with a rush and negligently driven Maxx car and as a result, he sustained serious injury. Thereafter, he was taken to Barpathari Hospital, Belonia from where he referred to GBP Hospital, Agartala. It is contended that due to that accident the appellant become permanently disabled. Thereafter he preferred a claim case before the Motor Accident Claims Tribunal, Agartala and the case was registered vide No. TS (MAC) 31 of 2020.

3. Upon hearing both sides, the impugned judgment and award dated 17/07/2025 has passed by the learned Motor Accident Claims Tribunal, West Tripura, Agartala, Court No. 1, in T.S. (MAC) 31 of 2020. Against the said award, the appellant prefer the instant appeal before this Court to quash or modify the impugned judgment and award.

4. Mr. Saugat Datta, learned counsel appearing for the appellant submits that the learned tribunal failed to appreciate that appellant claimant petitioner was a skilled mason by profession at the time of the said road traffic accident and for all practical purposes, the appellant has become permanently disabled so far the occupation is concerned due to lost of his one leg in the said road traffic accident. It is further contended that for the practical purposes, the appellant claimant petitioner is 100% disabled so far his occupation is concerned. He, therefore, urges this Court to set aside the impugned order dated 17/07/2025 has passed by the learned Motor Accident Claims Tribunal, West Tripura, Agartala, Court No. 1, in T.S. (MAC) 31 of 2020.

5. Heard the submissions made at the Bar. Perused the material evidence on record.

6. It is seen from the paragraph-8 of the aforesaid impugned order dated 17/07/2025 passed by the learned Court below that PW-2, Doctor in his oral evidence deposed that on 11.09.2023 while he was posted

at District Disability Rehabilitation Centre, South Tripura, District as Medical Officer-cum-Locomotor Specialists, he examined Shri Partha Pratim Chowdhury, S/o Shri Milan Chandra Chowdhury of Santipara, Barpathari, P.S- P.R. Bari, District-South Tripura, Belonia in the District Disability Rehabilitation Centre, South Tripura and during examination, he found Shri Partha Pratim Chowdhury as 40% physically disabled in relation to his right knee as per guidelines notified by the Government of India vide S.O No.76(E) dated 04.01.2018. After examination, he issued one certificate for a period of five years upto 11.09.2028 and also issued one disability certificate bearing No. TR0210619820044191 dated 11.09.2023 suggesting overall 40 % temporary disability. PW-2 identified the copy of Disability Certificate which bears his signatures marked as Exhibit 7 as a whole. PW-2 further stated that it is difficult to perform the normal duty of a mason with the physical disability as assessed after examining the patient Sri Partha Pratim Chowdhury.

7. In view of the foregoing discussions and upon consideration of the materials on record, this Court finds no infirmity in the findings and conclusions arrived at by the learned Tribunal. The contention raised by the learned counsel for the appellant that he has become permanently disabled so far the occupation is concerned due to lost of his one leg in the said road traffic accident, is without any merit, as the Tribunal had rightly assessed the compensation on the basis of the evidence and surrounding circumstances, which this Court finds to be reasonable and just.

8. Accordingly, the award passed by the learned Tribunal is hereby affirmed and upheld. The appeal preferred by the appellant stands dismissed.

9. As a sequel, the interim stay, if any, stands vacated. Pending application(s), if any, also stand(s) closed.

DR. T. AMARNATH GOUD, J