

HIGH COURT OF TRIPURA
A_G_A_R_T_A_L_A

MAC. App. No.123 of 2025

1. United India Insurance Company Limited (represented by its Divisional Manager, Divisional Head Office, at Old RMS Chowmuhani, Agartala, West Tripura, PIN-799001. (Insurer of the offending vehicle bearing registration No.TR-04-J-1517, Truck)

.....Appellant

V_E_R_S_U_S

1. Sufiya Khatun, wife of Sana Khan.
2. Sana Khan, son of late Sara Uddin Khan.

Both are residents of Methir Miah, P.S. Kamalpur, District Dhalai Tripura, PIN-799287, presently residing at PEC Brick Field, South Ramnagar, P.S. West Agartala, District: West Tripura, PIN-799001.

.....The Claimants

3. Smti. Rita Bose, wife of late Sudip Kumar Bose.
4. Sri Rubel Bose, son of late Sudip Kumar Bose.

Both are residents of Kamalpur Town, near YRC Club, P.S. Kamalpur, District: Dhalai.
(Owner of the vehicle No. TR-04-1517 truck)

For Appellant(s)	:	Mr. S. Bhattacharjee, Advocate. Mr. T. Dhar, Advocate.
For Respondent(s)	:	None.

HON'BLE JUSTICE DR. T. AMARNATH GOUD

F_I_N_A_L_O_R_D_E_R

01.12.2025

Heard.

[2] The present appeal has been filed under Section-173 of the Motor Vehicles Act, 1988 against the impugned award dated 26.08.2025 passed by the learned Member, Motor Accident Claims Tribunal, Agartala, West Tripura, Agartala, (Tribunal No.2), in connection with T.S. (MAC) 139 of 2018 for enhancement of compensation.

[3] Brief facts leading to this case is that on 24.02.2018 at about 17030 hrs. the deceased minor child Jahid Khan was playing in a ploughing field adjacent to the Methir Miah J.B. School at that time one Truck bearing registration No.TR-04-1517(here-in-after called as the offending vehicle) which was coming with an excessive speed in a rash and negligent manner and dashed the deceased as a result of which deceased was knocked by tire of the offending vehicle and the unfortunate accident occurred. Immediately after the accident with the assistance of local people deceased was brought to Kamalpur Hospital where doctors declared him as

dead. In this connection a specific case vide Kamalpur PS case No.36 of 2018 under Sections-279/304(ii), IPC and Sections-177/184/187 of MV Act was also registered.

[4] Having heard the learned counsel appearing for the parties and observing the material evidence on record, the learned Court below has observed as under:

“In the result, claim is awarded in following terms :-

Claimant petitioner is entitled to get the award of Rs.19,46,000/- (Nineteen lacs forty six thousand) only along with 7.5% simple interest per annum from the date of registration of claim i.e, w.e.f. 23.08.2018 till the date of realization thereof.

50% share of the awarded amount be invested in favour of Claimant petitioner Nos.1 and 2 by purchasing Fixed Deposit certificate from any Nationalized Bank at least for the next 5 years and no loan or advance or pre-mature withdrawal shall be allowed without prior sanction of this Tribunal. Rest amount shall be transferred to the individual bank account of the claimant petitioner.

The Noticee shall deposit the awarded amount along with interest thereon within one month to this Tribunal.***”

[5] Being aggrieved by and dis-satisfied with the same, the present appeal has been preferred by the appellant-insurance company before this Court.

[6] It has been observed that the OP No.1 and 2 (legal representatives of late Sudip Kumar Das), owner of the offending vehicle through their written statement apart from denying all the allegations in the claim petition contended, *inter alia*, that they are the registered owner of the offending vehicle and it was duly insured with the noticee (United India Insurance Co. Ltd.). OP owner, therefore, urged for fixing the liability of their insurer to pay the compensation, if any. The noticee through written statement has denied all the allegations and thereby put the claimant petitioner, the respondents herein, as well as the OP No.1 in strict proof of their respective claim.

[7] This Court has come across recently in many instances of motor accidents claims matters in the State of Tripura where even without examining the legal points awards were passed which are absolutely very important to discuss and thereafter a reasonable conclusion should come out from the competent authority. Though these matters are beneficial legislations, but unless there is a specific

document to prove the grievance of the parties, it cannot be construed that the claimants are entitled for the compensation. In this regard, Mr. S. Bhattacharjee, learned counsel appearing for the appellant-insurance company has placed two decisions of the Hon'ble Apex Court in *The New India Assurance Company Limited v. Usha Devi and others and National Insurance Company Limited v. Usha Devi and Others*, reported in *Manu/SC/0900/2025* and *Kurvan Ansari alias Kurvan Ali and Another v. Shyam Kishore Murmu and Another*, reported in *(2022) 1 SCC 317*.

[8] In view of the above observation and also without going into the merits of the case, this Court is of the opinion that ends of justice would be met if the present matter is remitted back by setting aside the impugned award dated 26.08.2025 passed by the learned Member, Motor Accident Claims Tribunal, Agartala, West Tripura, Agartala, (Tribunal No.2), in connection with T.S. (MAC) 139 of 2018 and, accordingly, the same is ordered. The learned Court below shall re-examine the matter by giving opportunity to both sides for their respective arguments.

[9] In that view of the matter, the present appeal is remanded back and is, accordingly, disposed of. As a sequel, miscellaneous application pending, if any, shall stand closed.

DR.T. AMARNATH GOUD, J

A. Ghosh

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