

**HIGH COURT OF TRIPURA  
AGARTALA  
MAC APP 4 OF 2026**

**National Insurance Company Limited,**  
represented by its Assistant Manager, AK Road, Tripura  
(West), Pin-799001.

**----Appellant(s)**

Versus

- 1. Smt. Manti Saha (Kar),** wife of late Krishna Kar, resident of Ghoshpara, Barjala, P.S. New Capital Complex, District- West Tripura.
- 2. Miss Kritika Kar,** daughter of late Krishna Kar, resident of Ghoshpara, Barjala, P.S. New Capital Complex, District- West Tripura. *(claimant petitioner No.2 is represented by her mother being natural guardian, claimant petitioner No.1)*

**.... Claimant Respondents**

- 3. Sri Raj Sutradhar,** son of late Roy Mohan Sutradhar, resident of Gurkhabasti, P.S. New Capital Complex, District- West Tripura, Pin-799006  
(Owner of TR-01-G-5036, Motorcycle)

**---- Respondent**

|                                                |   |                                 |
|------------------------------------------------|---|---------------------------------|
| For Appellant(s)                               | : | Mr. S.Datta Chowdhury, Advocate |
| For Respondent(s)                              | : | None                            |
| Date of hearing & delivery of Judgment & Order | : | <b>02.02.2026</b>               |
| Whether fit for reporting                      | : | <b>Yes / No</b>                 |

**BEFORE  
HON'BLE JUSTICE DR. T. AMARNATH GOUD  
Judgment & Order (Oral)**

**02/02/2026**

This is an appeal preferred by the appellant- National Insurance Company Limited challenging the judgment dated 22.09.2025 passed by the Motor Accident Claims Tribunal, Court No.2, West Tripura, Agartala, in case No. T.S. (MAC) 125 of 2023 praying for dismissal of the award to the tune of Rs. 33,32,060/- only alongwith interest @7% per annum w.e.f. the date of filing of the claim petition i.e. 05.06.2023, till realization of the same.

**2.** Heard Mr. S. Datta Chowdhury, learned counsel appearing for the appellant-Insurance Company.

**3.** Briefly stated, the deceased (husband of claimant-respondent No. 1 and father of claimant-respondent No.2) on 06.04.2023 at about 23.20 hours was returning home from Sishu Udyan Bipani Bitan by riding his motorcycle bearing registration No. TR-01-K-5378 and when he reached at Gurkhabasti near Shani Mandir, another motorcycle bearing registration No. TR-01-G-5036 i.e. the offending vehicle, driven by its driver with excessive speed and in negligent manner lost control over the vehicle and dashed the motorcycle of the deceased, resulting which the deceased sustained grievous injuries, and immediately he was shifted to AGMC & GBP hospital by the help of patrolling party and local people where during treatment, the doctors declared him dead.

On receipt of the claim application, the appellant-insurance company as well as the owner of the vehicle by filing their respective written statements contested the claim application.

All the witnesses were examined and cross-examined and the documents, submitted by parties to the claim petition were also taken into consideration by the learned trial Court.

Following the settled principles of law, the learned Tribunal has quantified the compensation to be paid to the claimant-respondent to the tune of Rs. 33,32,060/- along with interest @7% per annum from the date of filing of claim application till the date of realization with proportionate share.

Being aggrieved by and dis-satisfied with the said award dated 22.09.2025 passed by the learned Tribunal in T.S. (MAC) 125 of 2023, the appellant-insurance company has preferred this appeal with the following reliefs:

- "a) Admit the appeal;**
- b) Call for the records bearing case no. T.S.(MAC) 125 of 2023 from the Ld. Member, MACT, Court No.2, West Tripura, Agartala;**
- c) Issue notice upon the respondents as to why the impugned judgment dt. 22.09.2025 passed by the Ld. MACT (Tribunal No.2) in case No. T.S.(MAC) 125 of 2023 shall not be set-aside, cancelled, modified or quashed and;**
- d) after hearing be kind enough to set aside, quash, cancel, modified the impugned judgment dt. 22.09.2025 passed by the Ld. MACT (Tribunal No.2) in case No. T.S.(MAC) 125 of 2023 and during the pendency of the appeal be kind enough to stay further proceeding arising out of the impugned judgment passed in Case bearing No. T.S.(MAC) 125 of 2023."**

4. Mr. Datta Chowdhury, learned counsel appearing for the appellant-insurance company has argued that the award is in the higher side. It is argued that in the claim petition the claimant has stated that the monthly income of the deceased was Rs.30,000/-, but the learned tribunal decided his monthly income as Rs.20,000/- only on the basis of a tea-stall run by the wife of the deceased. It was also argued that learned tribunal relying only on Exhibit-6 i.e. the trade license in the name of wife of the deceased, had passed the award. It was further argued that the learned tribunal has not discussed anything regarding the proof of documents i.e. the income certificate or age certificate of the deceased, which were not produced during trial. Mr. Datta Chowdhury, learned counsel further argued that from the trade license (Exbt. 6) it is clear that the tea stall lies in the name of the wife of the deceased, and the learned tribunal only on the basis of the tea stall lying in the name of the wife of the deceased has

passed the award, which is in much higher side. Learned counsel for the appellant has further submitted that the amount of compensation has been wrongly assessed which requires interference by this Court.

**5.** I have perused the entire record including the award passed by the learned Tribunal.

**6.** On scrutiny of the record, it is evident that the accident occurred due to rash and negligent driving of the driver of the offending vehicle which fact also is established from the charge sheet (Exbt. 3) submitted by the police. Regarding age proof, this court is satisfied that the PM report clearly determined the age of the deceased to be '40' years, and the learned court taking into consideration the age of the deceased had assessed the compensation. Exbt. 6, further ascertain that that the trade license was issued for a period from 2021-25 for running a tea stall under the name and style 'M/s Joy Guru Varieties'. The accident occurred on 06.04.2023. Thus, it can be presumed that though the trade license lies in the name of wife of the deceased but the business was run by the deceased himself. The claimant-respondent no. 1 in her cross-examination specifically stated that the deceased used to run the tea stall and used to earn Rs.30,000/- per month. Thus, from oral and documentary evidence *prima facie* the income and age of the deceased has well been established.

**7.** Upon consideration of the totality of facts and circumstances, this Court does not find any ground to warrant an interference with the impugned award, and the same cannot be interfered with. Accordingly, it is made clear that the findings of

the learned Tribunal regarding the entitlement of the claimant-respondent to receive the compensation to the tune of Rs. 33,32,060/- alongwith interest @7% per annum w.e.f. from the date of filing of the claim petition till its actual payment, is not liable to be disturbed and hence, the same is affirmed. The appellant-insurance company shall deposit the entire amount, if not paid, with the Registry of this Court within 1(one) months from today. Registry shall adjust Rs.25,000/- which was submitted by the appellant at the time of filing of the appeal, as per procedure.

**9.** Consequently, the appeal preferred by the appellant-insurance company stands dismissed. Pending application(s), if any, also stands disposed.

**JUDGE**

**SAIKAT KAR**

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