

**HIGH COURT OF TRIPURA
AGARTALA
MAC. APP. NO.02 OF 2026**

The New India Assurance Company Ltd.
(To be represented by its Assistant Manager),
4-Mantribari Road, Agartala, District-West Tripura P.O.-Agartala, Pin-799001.

.....Insurer Appellant.

Versus

1.Smti. Satapa Das, W/O.Late Tapan Das,
2. Miss. Anjisha Das (Minor), D/O. Late Tapan Das, (to be represented by Mother i.e.Claimant No.1)
3.Smti. Helan Das, W/O. Sri Nandalal Das, All are resident of Bangali Colony, P.O.-Howaibari, P.S.- Teliamura, District- Khowai, Tripura.

.....Claimant-respondents.

4.Smti. Gopa Bhattacharjee, Prop.Jyotsna Filing Station, W/O. Sri Sukharesh Bhattacharjee, Resident of-Ganaraj Chowmohuni, P.O.- Agartala, P.S.- East Agartala, District- West Tripura District, (Owner of offending Vehicle No.TR-01Z-1960, Oil Tanker)
5. Sri Bijoy Das, S/O. Harendra Kumar Das, Resident of Village-Rajbari, P.O. & P.S.-Dharmanagar, North Tripura (Driver of TR-01Z-1960, Oil Tanker)

.....Respondents.

For the Appellant(s) : Mr. A . K Deb, Advocate.

For the Respondent(s) : Mr. Samarjit Bhattacharjee, Advocate.
Mr. Abhijit Deb Sarkar, Advocate.

HON'BLE JUSTICE DR. T. AMARNATH GOUD
ORDER

16.03.2026

[1] Heard learned counsel appearing for both the parties.

[2] This present appeal has been filed under Section 173 of the M.V. Act, challenging the impugned judgment and award dated 16.07.2025 passed

in T.S.(MAC) 36 of 2023 by learned Motor Accident Claims Tribunal, Khowai, Tripura .

[3] Brief facts of the case is that on 21.10.2023, the victim (now deceased) was proceeding towards his rented house situated at Jirania, by riding a Scooty and after reaching at Kalabagan, near Joynagar (Dilwala) petrol pump, at about 01.30 PM, he stopped by the side of Assam-Agartala road to attend his nature's call. At that time, it is alleged that one Oil Tanker bearing no. TR-01Z-1690 coming from Teliamura side towards Agartala, with a very high and abnormal speed, driven in a negligent manner, knocked the victim and smashed him at the spot. As a result of the said accident, it is stated that the victim died at the spot, where-after he was immediately shifted to Jirania Hospital with the help of Fire Service & local people, but unfortunately, the attending Doctor declared him brought-dead. As stated, the dead body was sent to the AGMC & GBP Hospital, Agartala and after conducting postmortem, it was handed over to his relatives. The claimant-respondents further contended that at the time of the accident, the deceased was only 25 years old and used to earn Rs.30,000/- per month by performing as a Professional Driver of a heavy vehicle. Hence, this appeal.

[4] Upon hearing the parties and on perusal of the records, the learned trial Court passed the award in the following manner :-

“ORDER

“9. Being the insurer of the offending vehicle bearing No.TR-01Z-1690 (Oil tanker), the Opp. Party No.3, the New India Assurance Company Ltd. is directed to pay the awarded compensation amount of Rs.54,20,468/- (Rupees fifty four lac twenty thousand four hundred & sixty eight only) along with interest @ 9% per annum within 60 (sixty) days from the date of passing of this award.

The claimant-petitioner no.1 Smt. Satapa Das is entitled to get compensation for an amount of Rs.18,06,823/- (Rupees eighteen lac six thousand eight hundred & twenty three only), the claimant-petitioner No.2, Miss. Anjisha Das is entitled to get an amount of Rs. 18,06,823/- (Rupees eighteen lac six thousand eight hundred & twenty three only) and Smt. Helan Das, mother of the deceased is also entitled to get an amount of Rs.18,06,822/- (Rupees eighteen lac six thousand eight hundred & twenty two only). The Opp. Party No.3, the New India Assurance Company Ltd. is to pay the awarded amount of compensation to the claimant-petitioners along with 9% interest per annum from the date of filing of the claim-petition, till the date of actual payment.

10. It is further directed that the total awarded amount of Rs. 18,06,823/- (Rupees eighteen lac six thousand eight hundred & twenty three only) in favour of the claimant-petitioner No.2, Miss. Anjisha Das, who is a minor, shall be kept in a fixed deposit scheme in any Nationalized Bank till her attainment of 18 (eighteen) years of age. Out of the

amount of shares of the compensation of other two claimant-petitioner nos.1 & 3, 50% of each of their awarded amounts shall be kept in fixed deposit schemes in any Nationalized Bank for a period of 05 (five) years, however, they shall be at liberty to withdraw the monthly interests, which will accrue from the amount of the fix deposit schemes..”

[5] Being aggrieved by the order dated 16.07.2025 passed by the learned tribunal in T.S (MAC) 36 of 2023 the appellant insurance company preferred this appeal, seeking the following the reliefs:-

“a). Admit the appeal;

b). Call for the record of T.S. (MAC) 36 of 2023 from the Ld.Member, Sri V.P.Debbarma, Motor Accident Claims Tribunal, Khowai Tripura;

c). Issue Notice upon the respondents.

And

After hearing both the parties Hon'ble Court would be pleased enough to kindly pass necessary order so that the compensation awarded amounting to Rs.54,20,468/- with 9% interest in T.S. (MAC) 36 of 2023 by Sri V.P.Debbarma, Motor Accident Claims Tribunal, Khowai Tripura may be modified towards just and proper compensation. .”

[6] Mr. A. K Deb, learned counsel appearing for the appellant – insurance company submits before this Court that the appeal is preferred mainly on the grounds i.e., the monthly income as granted in the court below is excessive as the proof of income was not placed on record and the Court below has fixed notional income @ Rs.26,000/- per month. But, whereas the High Court notification vide No.F.44 (11) –HC/2023/19504 Dated Agartala, the 4th August, 2023, it is seen that as a skilled labour Rs. 12,000/- is fixed and un skilled labour Rs. 10,000/-. He also submits that the rate of interest which is given by the tribunal below is on higher side and the same should be reduced to 7.5%. At last, he contends to modify the conventional heads under which the compensation is awarded to the claimants.

[7] According to this Court, as per notification vide No. vide No.F.44 (11) –HC/2023/19504 Dated Agartala, the 4th August, 2023, passed by this Court the monthly income of a Lorry driver involving in an accident occurred after 31.12.2015 should be fixed at Rs. 26,000/- per month. As in the present case in hand, the deceased was a lorry driver and thus, the same should be followed. Therefore, this Court finds no reason to interfere with the monthly income of the deceased as fixed by the learned tribunal below at Rs.

26,000/- per month. This Court also feels that since, the age of the deceased at the time of accident was 26 years, multiplier of 17 is applicable . As per the Judgment, passed by the Hon'ble Supreme Court of India titled as *National Insurance Company Ltd. vs. Pranay Sethi & Ors. reported in (2017) 16 SCC 680*, an addition of 40% of the assessed monthly income should be added towards future prospects. Thereafter one third (1/3rd) of his income will be deducted towards personal and living expenses of the deceased.

Now, the income per month comes after deducting the amount for personal expenses of the deceased is Rs.(36,400-12,133/-) = Rs.24,267/-. So, the loss of dependency is Rs.(24,267 X 12 X 17) = Rs 49,50,468/- (Rupees forty nine lac fifty thousand four hundred & sixty eight only).

[8] However, this Court is of the view that the conventional heads under which the compensation is awarded needs to be modified. Thus, the funeral expenses which is awarded at Rs. 25,000/-, the same is reduced to Rs. 18,000/- , loss of consortium which is awarded at Rs. 1,20,000/- , the same is increased to Rs.1,48,000/-, loss of estate becomes Rs.82,000/- instead of Rs.1,00,000/- and loss of love and affection towards aged parents stands at Rs. 48,000/- instead of Rs. 1,00,000/- . other conventional heads will remain unaltered.

[9] Thus, the compensation to be awarded to the claimants would stand as under:

RECALCULATION

HEAD	AMOUNT
Funeral Expenses	Rs.18,000/-
Loss of consortium	Rs. 1,48,000/-
Loss of estate	Rs. 82,000/-
Litigation costs	Rs. 25,000/-
Loss of love and affection towards aged parents	Rs. 48,000/-
Loss of guidance to minor child	Rs.1,00,000/-
Total	Rs. 4,21,000/-

Hence, the total amount comes at Rs.(49,50,468 + 4,21,000/-) =Rs.**53,71,468/-** (Rupees fifty three lakh seventy one thousand and four hundred sixty eight only).

[10] This Court feels the interest granted 9% per annum by the learned tribunal is higher side and since, it is an appeal filed by the insurance company as per the beneficial legislation, this Court in all matters fixing 7.5% interest and to maintain uniformity while comparing the bank rate of interest which is also much less. Consequently, the claimants would be entitled compensation as indicated above along with **7.5%** interest per annum instead of 9% as awarded by the learned tribunal below. Accordingly, the legal heirs of the deceased would be entitled compensation as indicated above along with the statutory benefits as awarded by the learned tribunal below.

[11] The awarded amount shall be deposited by the insurance company on or before 30th April 2026 from today, if not deposited. However, it is made clear that on such deposit, the legal heirs are at liberty to withdraw the same unconditionally as per procedure.

[12] The appellant-Insurance company is entitled to withdraw or adjust the statutory amount of Rs. 25,000/- deposited by them as per procedure.

[13] With the above observations and directions, the award passed by the learned tribunal below dated 16.07.2025 in TS (MAC) No. 36 of 2023 is modified to the extent as indicated above. Resultantly, the instant appeal stands disposed of.

[14] As a sequel, miscellaneous application pending, if any, shall stand closed.

Send down the LCRs.

DR. T. AMARNATH GOUD, J

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