

**HIGH COURT OF TRIPURA
AGARTALA**

MAC APP 14 OF 2026

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

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

Versus

- 1. Sri Raj Sutradhar**, son of late Roymohan Sutradhar, resident of Gurkhabasti, P.S. New Capital Complex, District- West Tripura
(owner of TR-01-G-5036, motorcycle);
- 2. The Divisional Manager**, National Insurance Company Limited, 42, Akhaura Road, Agartala, P.S. West Agartala, District- West Tripura,
(insurer of TR-01-G-5036, motorcycle).

---- **Respondents**

For Appellant(s)	:	Mr. S. Lodh, Advocate
For Respondent(s)	:	Mr. SD Chowdhury, Advocate Mr. HK Bhowmik, Advocate
Date of hearing & delivery of Judgment & Order	:	23.03.2026
Whether fit for reporting	:	Yes / No

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

This is an appeal preferred by the claimant-appellants assailing the impugned judgment and award dated 22.09.2025 passed by the Motor Accident Claims Tribunal, Tribunal No.2, West Tripura, Agartala, in case No. T.S. (MAC) 125 of 2023.

2. Heard Mr. S. Lodh, learned counsel appearing for the appellant. Also heard Mr. SD Chowdhury, learned counsel for the respondent no.2, insurance company, and Mr. HK Bhowmik, learned counsel for respondent no. 1, owner of the vehicle.

3. The facts of the case, in a short compass, is that on 06.04.2023 the deceased, Krishna Kar was proceeding towards his house situated at Ghosh Para from his shop situated at Sishu Udyan Bipani Bitan by riding his Motor cycle bearing registration No. TR-01-K-5378 at about 23.20 hours and when he reached at Gurkhabasti near Shani Mandir on Agartala-Airport road, the offending vehicle bearing registration No. TR01-G-5036, Motor Cycle which was being driven by its driver with excessive speed and in negligent manner, lost control over the vehicle due to excessive speed and dashed the motor cycle of the deceased as a result of which the deceased sustained grievous injuries on his person. Immediately after the accident the deceased was taken to AGMC & GBP Hospital by the help of police patrolling party as well as local people where during treatment doctor declared him as dead. For the said fatal accident, the claimant-appellants, being wife and daughter, filed a claim case before the learned Tribunal for compensation.

On receipt of the claim application, the respondent-insurance company as well as the owner of the offending vehicle by filing their respective written statements contested the claim application. In course of the proceeding, witnesses were examined and cross-examined and documents were also exhibited by the learned Tribunal.

Following the settled principles of law, the learned Tribunal has quantified the compensation to the tune of Rs. 33,32,060/- along with interest @7% per annum from the date of

filing of the claim application till the date of its realization mentioning therein the proportionate share of the appellants.

Being aggrieved by and dis-satisfied with the said judgment and award dated 22.09.2025 passed by the learned Tribunal in T.S. (MAC) 125 of 2023, the claimant-appellants have preferred this appeal in terms of the following reliefs:

“Admit the appeal; call for the records; and after hearing the parties set aside the impugned Judgment & Award dated 22.09.2025 passed by the learned Member, Motor Accident Claims Tribunal, West Tripura, Agartala, in T.S.(MAC) 125 of 2023, and pass fresh award in terms of the claim petition;”

4. Mr. Lodh, learned counsel appearing for the appellant confined his argument only on the point of enhancement of the award under the head of 'future prospect'. In this context, learned counsel has submitted that at the time of accident, the deceased was aged 38 years 9 months 8 days, and the same would clearly reveal from the driving license of the deceased which was marked as Exhibit '5', showing his date of birth as 28.07.1984, but the learned tribunal while passing the judgment has taken the Post Mortem report of the deceased into consideration which mentions the age of the deceased as '40'. Stressing on Exhibit '5', learned counsel has urged this court to take the multiplier at '40' for computing fresh award under the head of future prospect. In fine, learned counsel has urged this court to modify the impugned judgment and award passed by the learned Tribunal.

5. On the other hand, learned counsel for the respondents has submitted that no document to prove the age of the deceased was submitted by the claimants in course of proceeding and has

urged this court to maintain with the judgment and award so passed by the trial court.

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

7. On scrutiny of the record, it is evident that driving license of the deceased was produced before the trial court which was marked as Exhibit '5' on being compared with the original, but the learned Tribunal made no whisper with regard to the driving license on the contrary learned tribunal while computing the compensation has ascertained the age of the victim taking the post mortem report into consideration. There is no quarrel at the bar that to determine the age of the deceased, the claimant-appellant has produced the driving license, which itself is a authenticated document, and the learned tribunal though has exhibited the same, but did not take it into consideration. It is needless to mention that the age fixed under the post mortem certificate cannot be stated to be an accurate age and the same could be referred only in the absence of any other material. When driving license of deceased was submitting disclosing his actual, there is no justification to rely on the post mortem certificate. This court is of the view that unlike determination of compensation under different heads, as assessed by learned tribunal, the head under 'future prospect' has to be quantified thereto. Thus, the judgment and award passed by the learned tribunal warrants interference only to the extent of enhancement of compensation

under the head of 'future prospect'. This court refrain itself from interfering with the other aspects of the judgment and award.

8. Since the age of the deceased was 38 years 9 months 8 days (as per Exbt.5) i.e. below 40 years, at the time of accident, the percentage of future prospects needs to be determined at 40%. Accordingly, this court is inclined to enhance the amount of compensation under the head of 'future prospect' by enhancing '25%' to '40%'. Accordingly, '25%' under the head of 'future prospect', as assessed by the Tribunal, is hereby enhanced to '40%'. The insurance company shall deposit the amount variation i.e. '15%' under the head of 'future prospect' before the Registry of this Court within 30.4.2026 and, on such deposition, the claimant-appellants shall be entitled to receive the same unconditionally. The statutory deposit shall also be released in favour of the appellants, if not already released.

9. In the result, the judgment and award dated 22.09.2025 is interfered with to the extent as indicated above and the appeal, therefore, stands allowed to that extent. As a sequel, pending application(s), if any, also stands disposed. Send down the LCRs forthwith.

JUDGE

**SAIKAT
KAR**

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