



TRHC010001072026

**HIGH COURT OF TRIPURA
AGARTALA**

MAC APP 41 OF 2026

Cholamandalam MS General Insurance Company Limited
represented by the Branch Manager, Agartala Branch, Old RMS
Chowmuhani, Mantribari Road, P.O.- Agartala, Pin - 799001,
P.S.- West Agartala, District - West Tripura,
[Insurer of vehicle No. TR-06-1674 TATA Zip)]

-----Appellant(s)

Versus

1. Sri Manish Ghosh, son of Sri Manoranjan Ghosh, resident of
Koroilong, P.S. Teliamura, District- Khowai, Tripura;

----- Claimant-Respondent

2. Smt. Lakshi Roy, wife of Sri Sunil Roy, resident of Basanti
Tilla, Khowai, P.S. Khowai, District- Khowai, Tripura
[Insurer of vehicle No. TR-06-1674 TATA Zip)]

----- Owner-Respondent

3. Sri Debasish Roy, son of Sri Sunil Roy, resident of Basanti
Tilla, Khowai, P.S. Khowai, District- Khowai, Tripura
[driver of vehicle No. TR-06-1674 TATA Zip)];

----- Driver-Respondent

For Appellant(s)	:	Mr. S. Das, Advocate
For Respondent(s)	:	Mr. S. Bhattacharjee, Advocate
Date of hearing & delivery of Judgment & Order	:	18.06.2026
Whether fit for reporting	:	No

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

18/06/2026

This is an appeal preferred by the appellant- Insurance
Company Limited challenging the judgment and award dated
09.06.2025 passed by the Motor Accident Claims Tribunal No.2,
Khowai, Tripura, in case No. T.S. (MAC) 08 of 2022, with the
following reliefs:

i) Admit this Appeal;

ii) Call for records relevant to the subject matter of the case from the Learned Motor Accident Claims Tribunal No.-2, Khowai Tripura, Khowai, in Case No. T.S. (MAC) 08 of 2022;

iii) After hearing the parties be pleased enough to set aside/quash and modify the impugned judgment and award dated 09.06.2025, passed by the Learned Motor Accident Claims Tribunal No.-2, Khowai Tripura, Khowai, in Case No. T.S. (MAC) 08 of 2022, and may be kind enough to pass an appropriate order in terms of the law laid down by the Hon'ble Apex Court by passing the various judgments in this regard, for the fair ends of justice.

iv) Pending disposal of the present appeal, stay the operation of the impugned judgment and award dated 09.06.2025, passed by the Learned Motor Accident Claims Tribunal No.-2, Khowai Tripura, Khowai, in Case No. T.S. (MAC) 08 of 2022;

v) Pass any other order/orders as this Hon'ble High Court may deem fit and proper."

2. Heard Mr. S. Das, learned counsel appearing for the appellant-Insurance Company. Also heard Mr. S. Bhattacharjee, learned counsel appearing for the claimant-respondent.

3. Briefly stated, the claimant-respondent have filed a claim petition on account of injuries sustained by him in a road traffic accident which took place on 05.11.2021 at about 9.30 p.m. while he was proceeding towards Khowai after boarding a motorbike which was dashed by the offending vehicle coming from the opposite direction at the relevant date and time. In the claim petition it was alleged that due to the accident he sustained grievous fracture injuries on her person and was under treatment at AGMC & GBP hospital wherefrom he was referred to ILS hospital and also was treated at AMRI hospital, Kolkata and JBCH hospital, Salt Lake, Kolkata, for better treatment. It was also alleged that at Kolkata he had undergone operation and there. In the claim petition, it was further alleged that at the time of accident he was serving as Assistant Manager of Tripura Gramin Bank and also

alleged that the accident took place due to rash and negligent driving of the driver of the offending vehicle.

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

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-respondents to the tune of Rs. 28,97,701/- along with interest @9% per annum from the date of filing of the claim application till the date of actual realization with some stipulations.

Being aggrieved by and dis-satisfied with the said judgment and award dated 09.06.2025 passed by the learned Tribunal in T.S. (MAC) 8 of 2022, the appellant-insurance company has preferred this appeal.

4. Mr. Saha, learned counsel appearing for the appellant-insurance company has argued that the amount of compensation has been wrongly assessed. Learned counsel has submitted that the disability sustained by the victim was assessed at 50%. It was further argued that the learned tribunal while assessing the compensation has mis-calculated the salary of the claimant and there is no category-wise explanation as to how the salary has been taken into account while computing the award. Hence,

learned counsel has argued for interference of this court into the impugned judgment and award passed by learned tribunal.

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

6. On scrutiny of the record, it is evident that the oral and documentary evidence including the FIR and other police papers established involvement of the offending vehicle in the accident causing death of the victim. On perusal of the judgment, this court is of the view that the tribunal while calculating the award was very much clear in detailing the method of calculation. In that aspect, this Court does not find any perversity in the impugned judgment with regard to the amount of compensation, warranting interference by this Court. However, in so far as the interest is concerned, this court is fixing 7.5% interest considering as reasonable invariably in all cases. Accordingly, the compensation amount of Rs. 28,97,701/- shall carry interest @7.5% per annum w.e.f. from the date of filing of the claim petition till its actual payment.

7. It is made clear that all other statutory benefits, as awarded by the learned tribunal shall remain unaltered, and the same are affirmed accordingly.

8. It is made clear that after calculating the award afresh, the insurance company shall deposit the entire amount with the Registry of this Court within 1(one) months from today, if not already deposited. Registry shall adjust or refund Rs.25,000/-, the statutory amount, which was deposited by the appellant at the time of filing of the appeal, as per procedure.

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

JUDGE



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by SAIKAT KAR
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