

**HIGH COURT OF TRIPURA
AGARTALA**

MAC APP 11 OF 2026

- 1. Sri Sankar Sarkar**, son of late Amulya Sarkar, resident of Moujkuri, Ishanchandra Nagar, P.S. Amtali, District- West Tripura;
- 2. Miss Sneha Sarkar**, daughter of Sankar Sarkar, resident of Moujkuri, Ishanchandra Nagar, P.S. Amtali, District- West Tripura;
- 3. Miss Debasmita Sarkar**, daughter of Sankar Sarkar, resident of Moujkuri, Ishanchandra Nagar, P.S. Amtali, District- West Tripura;

-----Appellant(s)

Versus

- 1. Sri Tapan Debnath**, son of Narayan Debnath, resident of Bishalgarh, Office Tilla near Balak Baba Ashram, P.S. Bishalgarh, District- Sepahijala, Tripura
(owner of truck bearing registration No. TR-02-1789);
- 2. The Branch Manager**, New India Assurance Company Limited, RMS Chowmuhan, Agartala, P.S. West Agartala, District- West Tripura,
(insurer of offending truck No. TR-02-1789).
- 3. Mithan Dey**, son of late Ganesh Dey, resident of Kanchanmala Bazar Para, P.S. Amtali, District- West Tripura;
(owner of motor bike No. TR-01-R-6112).
- 4. The Divisional Manager**, National Insurance Company Limited, 42, Akhaura Road, Agartala, P.S. West Agartala, District- West Tripura.
(insurer of motor bike No. TR-01-R-6112).

----- Respondents

For Appellant(s)	:	Mr. S. Lodh, Advocate
For Respondent(s)	:	Mr. SD Chowdhury, 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 06.09.2025 passed by the Motor Accident Claims Tribunal, Tribunal No.4, West Tripura, Agartala, in case No. T.S. (MAC) 208 of 2021.

2. Heard Mr. S. Lodh, learned counsel appearing for the appellants. Also heard Mr. SD Chowdhury, learned counsel for the respondents.

3. Shortly stated, the claimant-appellants, being legal representatives of the deceased, Anita Baul Sarkar, filed a claim case before the learned Motor Accident Claims Tribunal No.4, West Tripura, Agartala, claiming compensation for the death of deceased Anita Baul Sarkar arising out of a road traffic accident which took place on 28.11.2019 at about 1900 hours due to rash and negligent driving of the offending truck vehicle bearing registration No. TR-02-1789. All the respondents contested the claim case by filing respective written statement. Witnesses were examined and cross-examined and documents were exhibited. After completion of trial, learned following the settled principles of law, quantified the compensation to the tune of Rs. 15,55,000/- along with interest @8% per annum from the date of filing of the claim application till the date of its realization mentioning therein the apportionment of the compensation and the manner of disbursement. The apportionment and the manner of disbursement is reproduced hereunder:

“27. The claimant No. 1 Sankar Sarkar being the husband of the deceased shall get 20% of the total compensation amount.

28. The claimants No. 2 & 3 being unmarried minor daughters of the deceased shall each get 40% of the total compensation amount.

29. An amount to the tune of 50% of the share of the claimant No.1 shall be paid directly to his individual bank account and rest 50% from his share shall be invested by purchasing fixed deposit for a period of 5 years with auto renewal facility from any nationalised bank, preferably, the UCO Bank, District Court Branch, Agartala. However, no prematured loan or withdrawal in any form shall be allowed without order of this Tribunal.

30. Compensation of the share of the minor claimants No. 2 and 3 be invested by purchasing fixed deposit certificates in their individual names for a period of 5 years or till they attain the age of 2 years whichever is later with auto renewal facility from any nationalised bank, preferably, the UCO Bank, District Court Branch, Agartala.”

Being aggrieved by and dis-satisfied with the said judgment and award dated 06.09.2025 passed by the learned Tribunal in T.S. (MAC) 208 of 2021, 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 06.09.2025 passed by the learned Member, Motor Accident Claims Tribunal, West Tripura, Agartala, in T.S.(MAC) 208 of 2021, and pass fresh award in terms of the claim petition;”

4. Mr. Lodh, learned counsel appearing for the appellant limited his argument only on the aspect that by efflux of time, the claimant-appellant Nos.2 and 3 have attained their age of majority, and there is no necessity to keep their apportionment under fixed deposit scheme anymore. Learned counsel also submitted that the claimant-appellants are presently running under serious financial constrain. In fine, learned counsel has urged this court to release the entire deposited amount in favour of the claimant-appellants.

5. On the other hand, learned counsel for the respondents has acceded to the submissions so made by learned counsel for the appellants.

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 date of birth of appellant No.2, as per her Aadhar Card is 24.09.2004, and presently she is aged about 22 years; and date of birth of appellant No.2, as per her Aadhar Card is 18.05.2006 and presently she is aged about 20 years. This court is of the view that there is no bar in releasing the entire compensation award in

favour of the claimant-appellant No. 2 and 3 since they have attained their age of majority. Thus, the claimant-appellants are entitled to receive the awarded amount of compensation as per their apportionment.

9. Accordingly, this court directs that the entire awarded amount of compensation lying under Fixed Deposit Certificate in the name of claimant-appellant Nos. 2 and 3 be released forthwith as per their apportionment. Simultaneously, the amount lying in the name of claimant-appellant No.1 also be released in his favour. Registry is directed to do the needful as per procedure.

10. With the above observations and directions, the appeal 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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