

HIGH COURT OF TRIPURA
AGARTALA
MAC APP NO.18 OF 2026

United India Insurance Company Limited
Represented by its Divisional Manager, Divisional Head Office, at Old
RMS Chowmuhani, Agartala, West Tripura, PIN-799001. (Insurer of the
offending vehicle baring No. AS-01 NC-0243).

....The Appellant (Insurer)

-: VERSUS :-

1. Smt. Esther Debbarma,
W/O- Lt. Dipraj Debbarma, D/O-Ranjan Debbarma

2. Smt. Mandira Debbarma,
W/O- Shri Bhaba Ranjan Debbarma,

3. Sri Bhaba Ranjan Debbarma, S/O- Lt. Jogendra Debbarma,
All are residents of Maharanipur, Kamalpur, P.S-Salema, District- Dhalai
Tripura.

.....The Claimant(s)

4. Jainuba Begam, W/O- Hiran Ali, of Baragaon, Mitijuli Path, Opposite
Excel Care Hospital, P.S- Jalukbari, Guwahati, Assam. (Owner of the
vehicle baring No. AS-01NC-0243)

.....The Respondents

Present:-

For the Appellant(s) : Mr. Samarjit Bhattacharjee, Advocate.

For the Respondent(s) : Mr. P.K. Biswas, Sr. Advocate.
Mr. P. Biswas, Advocate.
Mr. R. Nath, Advocate.
Mr. C. Mog, Advocate.
Mr. J. Rahaman, Advocate.

HON'BLE JUSTICE DR. T. AMARNATH GOUD
FINAL ORDER

20.04.2026

1. This present appeal filed under Section 173 of the Motor
Vehicles Act, 1988 is directed against the judgment and award dated

29.10.2025 passed by the learned Member, Motor Accident Claims Tribunal, Dhalai Judicial District, Kamalpur in T.S. (MAC) 07 of 2024, whereby a sum of Rs.63,35,000/- along with interest @7.5% per annum from the date of filing of the claim petition has been awarded in favour of the claimants.

2. The brief facts of the case are that the claimants, being the legal heirs of deceased-Dipraj Debbarma, filed a claim petition under Section 166 of the Motor Vehicles Act, 1988, claiming compensation on account of death of the said deceased in a motor accident which occurred on 02.05.2024 at about 12:00–12:30 hours at Dittokcherra, NH-27, under Harangajao Police Station, District-Dima Hasao, Assam, allegedly due to rash and negligent driving of the vehicle bearing registration No. AS-01NC-0243 (Night Super Bus).

3. The appellant herein, being the insurer of the offending vehicle, contested the claim petition by filing written statement denying the material averments and putting the claimants to strict proof of income, occupation, and dependency of the deceased. The insurer also raised the plea regarding violation of policy conditions.

4. The learned Tribunal framed necessary issues and upon appreciation of the evidence on record, assessed the monthly income of the deceased at Rs.30,000/- and by adding 50% towards future prospects, applying multiplier of 17 and awarding amounts under conventional heads, determined the total compensation at Rs. 63,35,000/-.

5. Being aggrieved, the appellant-Insurance Company has preferred the present appeal seeking the following reliefs:-

“a) Admit the instant appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the Award, dated, 21.10.2025 passed by the L'd Member, Motor Accident Claims Tribunal, Dhalai Judicial District, Kamalpur, in Case No. T.S. (MAC) 7 of 2024.

b) Issue notice upon the Respondents;

c) Call for the records of T.S. (MAC) 7 of 2024 from the file of the L'd Member, Motor Accident Claims Tribunal, Dhalai Judicial District, Kamalpur;

d) After hearing, allow the instant Appeal by modifying the impugned Award, passed by the L'd Member, Motor Accident Claims Tribunal, Dhalai Judicial District, Kamalpur dated 21.10.2025 in T.S. (MAC)- 7 of 2024.

e) Pass an Order staying the operation/execution of the impugned Award, dated, 21.10.2025, passed by the L'd Member, Motor Accident Claims Tribunal, Dhalai Judicial District, Kamalpur dated, 21.10.2025 in T.S. (MAC) 7 of 2024.

AND

The Hon'ble High Court may also pass any further order/orders as may be considered fit and proper."

6. Heard Mr. S. Bhattacharjee, learned counsel appearing for the appellant-Insurance Company as well as Mr. P. Biswas, learned counsel and Mr. J. Rahaman, learned counsel appearing for the claimant-respondents.

7. Mr. S. Bhattacharjee, learned counsel appearing for the appellant-Insurance Company, submits that the learned Tribunal committed an error in adding 50% towards future prospects, the addition ought to have been 40% considering that the deceased was self-employed. Learned counsel further contends that the deceased died instantly and, therefore, the award of Rs.50,000/- towards transportation and treatment for a single day is arbitrary and unsupported by evidence. It is also argued that although the claimants alleged that the deceased was engaged in various activities such as rubber plantation and betel nut cultivation, no cogent documentary proof of income, including tax records, has been produced, and thus the assessment of monthly income at Rs. 30,000/- is perverse and excessive, particularly when the bank statement reflects only about Rs.11,000/-. In such circumstances, the income ought to have been assessed at best at Rs.12,000/- in terms of the High Court notification.

8. Per contra, Mr. P. Biswas, learned counsel appearing for the respondent-claimants, submits that the deceased was a young and educated person aged about 27 years at the time of his death and was engaged in multiple income-generating activities, including rubber plantation, betel nut cultivation, and poultry farming. It is contended that being a member of a

Scheduled Tribe and residing in a rural area, such activities are largely cash-based and do not ordinarily generate formal documentary proof of income, and therefore absence of written records cannot be a ground to discard the income assessed by the learned Tribunal. It is further submitted that the deceased was the sole bread earner of the family and, significantly, on the date of the accident, he was proceeding for a job interview, which indicates his future earning potential, and as such, the compensation awarded by the learned Tribunal is just, reasonable, and does not call for interference.

9. This Court has considered the submissions advanced by learned counsel for the parties and perused the materials available on record.

10. The principal issue that arises for consideration in the present appeal is with regard to the addition of future prospects. The Hon'ble Supreme Court in ***National Insurance Co. Ltd. v. Pranay Sethi*** reported in ***(2017) 16 SCC 680*** has held that in case of a self-employed person aged below 40 years, the addition towards future prospects should be 40% of the established income. In the present case, the deceased was aged about 27 years and was self-employed. Therefore, the addition of 50% towards future prospects by the learned Tribunal is not in consonance with the settled legal position and is liable to be modified to 40%.

11. Insofar as the other contentions of the appellant are concerned, this Court does not find any cogent reason to interfere with the findings of the learned Tribunal with regard to the assessment of income, application of multiplier, and amounts awarded under conventional heads. The same are found to be reasonable and based on the materials available on record.

12. Accordingly, the compensation is re-assessed as under:-

- i. Monthly income:- Rs. 30,000/-
- ii. Addition of 40% towards future prospects:- Rs.12,000/-
- iii. Total:- Rs. 42,000/-

iv. Deduction of $1/3^{\text{rd}}$ towards personal expenses:
Rs.14,000/-

v. Monthly dependency:- Rs.28,000/-

vi. Compensation after applying multiplier of 17(
 $\text{Rs.}28,000 \times 12 \times 17 = \text{Rs. } 57,12,000/-$

vii. Conventional heads (including enhancement):-
Rs.1,65,000/-

Transportation and treatment:- Rs.50,000/-

Total compensation: Rs. 59,27,000/- (Rs. Fifty Nine lakhs
twenty seven thousand only).

13. In view of the above, the impugned judgment and award
dated 29.10.2025 stands modified to the extent indicated hereinabove.
Accordingly, the present appeal stands partly allowed.

14. The appellant-Insurance Company shall deposit the modified
compensation amount, if not already deposited, within a period of one month
from today before this Court. Upon such deposit, the claimants shall be at
liberty to withdraw the same unconditionally, in accordance with law.

15. The statutory deposit of Rs.25,000/- deposited by the
appellant at the time of filing of the appeal shall be returned/adjusted as per
rules.

16. With the above modification, the appeal stands disposed of.
As a sequel, stay if any stands vacated. Pending application(s), if any also
stands closed.

DR. T. AMARNATH GOUD, J

Suhanjit

RAJKUMAR
SUHANJIT SINGHA

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SUHANJIT SINGHA
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