



TRHC010002052026

2026:THC:748

**HIGH COURT OF TRIPURA
AGARTALA**

MAC APP 40 OF 2026

Reliance General Insurance Company Ltd.,

Represented by its General Manager, 3rd Floor, Shriram Building 602/N and 602/J, Kerchowmuhan, T.G. Road, Agartala, West Tripura, PIN- 799002.

[Insurer of TR-01AT(TEM)2141 (SANTRO)]

----Appellant(s)

Versus

1. Smt. Kalpana Bhowmik, wife of Sri Dhiranjan Bhowmik, mother of Late Uttam Bhowmik, resident of Chesrimai, P.S. Bishramganj, District- Sepahijala, Tripura;

2. Smt. Alaka Debnath (Bhowmik), wife of late Uttam Bhowmik, resident of Chesrimai, P.S. Bishramganj, District- Sepahijala, Tripura;

3. Smt. Us ika Debnath (minor), daughter of late Uttam Bhowmik, resident of Chesrimai, P.S. Bishramganj, District- Sepahijala, Tripura, *represented by her mother, Smt. Alaka Bhowmik*;

4. Smt. Dhiranjan Bhowmik, father of late Uttam Bhowmik, resident of Chesrimai, P.S. Bishramganj, District- Sepahijala, Tripura;

As claimant-petitioner No.3 is minor, her mother represented her to conduct the case on behalf of her as her natural guardian;

---- Claimant-Respondents

5. Sri Saibal Lodh, son of Sri Swapan Lodh, resident of Anandanagar, P.S. Srinagar, District West Tripura.

[Owner of vehicle bearing 2. Regn. No. TR-01-AT(TEM)-2141-SANTRO)].

---- Owner-Respondent

For Appellant(s)	:	Mr. R. Saha, Advocate
For Respondent(s)	:	Mr. KK Pal, Advocate Mr. B. Majumder, Advocate
Date of hearing & delivery of Judgment & Order	:	18.06.2026
Whether fit for reporting	:	No



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**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 26.09.2025 passed by the Motor Accident Claims Tribunal, Sepahijala District, Bishalgarh, in case No. T.S. (MAC) 03 of 2021, with the following reliefs:

- "(i) Admit the Appeal condoning the delay of 38 days;**
- (ii) Call for the case records from the Learned Motor Accident Claims Tribunal, Sepahijala, Bishalgarh, in Case No. T.S. (MAC) 03 of 2021;**
- (iii) After hearing the parties be pleased enough to set aside/ quash and modify the impugned judgment and award dated 26.09.2025, passed by the Learned Tribunal below 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 26.09.2025 in Case No. T.S.(MAC) 03 of 2021, passed by the Learned Motor Accident Claims Tribunal, Sepahijala, Bishalgarh;**

AND

Pass such other order or orders as the Hon'ble High Court may seem fit and proper."

2. Heard Mr. R. Saha, learned counsel appearing for the appellant-Insurance Company. Also heard Mr. KK Pal, learned counsel appearing for the owner-respondent and Mr. B. Majumder, learned counsel appearing for the claimant-respondents.

3. Briefly stated, the claimant-respondents have filed a claim petition on account of death of deceased, Uttam Bhowmik, caused due to a road traffic accident which took place on 09.06.2019 at about 1700 hours. It was stated that on the relevant date and time while the deceased was standing by the side of NH-8 at Chesrimai near Relation Hotel, a Car bearing



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registration No. TR-01-AT(Tem)-2141 coming from Udaipur side, driven rashly and at excessive speed, dashed him causing multiple grievous injuries. It was also alleged that the victim was taken to Bishalgarh Sub-Divisional hospital wherefrom he was referred to AGMC & GBP hospital and thereafter shifted to Kolkata where he succumbed to his injuries. In the claim petition, it was 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 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. 28,36,411/- along with interest @6% per annum from the date of filing of the claim application till the date of actual realization failing which the amount shall carry further interest @8% per annum.

Being aggrieved by and dis-satisfied with the said judgment and award dated 26.09.2025 passed by the learned Tribunal in T.S. (MAC) 03 of 2021, the appellant-insurance company has preferred this appeal.



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4. Mr. Saha, learned counsel appearing for the appellant-insurance company has argued that the amount of compensation has been wrongly assessed and the appellant-insurance company has been wrongly fastened with the liability. He has further submitted that the rate of further interest determined at 8% per annum requires interference by this Court.

5. I have perused the entire 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. This court has gone through the operative part of para 10 of the judgment and award where the Tribunal has determined the further interest @8% per annum. In para 10, under the caption 'Liability & Deposit' the court has opined thus:

"Liability & deposit: O.P. No. 2 (Reliance General Insurance Co. Ltd.) shall deposit the entire awarded amount with accrued interest within 60 (sixty) days before this Tribunal, failing which the amount shall carry further interest @ 8% p.a. from the date of default till payment. Liability of O.P. Nos. 1 and 2 is joint and several; however, as between them, the insurer shall satisfy the award."

7. However, this Court does not find any perversity in the impugned judgment dated 26.09.2025 passed by the learned Tribunal in T.S. (MAC) 03 of 2021, in so far as the amount of compensation is concerned, warranting interference by this Court. In so far as the further interest is concerned, in terms of operative portion of Para 10 of the judgment, the interest @8% per annum



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is modified and reduced to 7.5% interest considering as reasonable invariably in all cases. Accordingly, in case of failure in making the payment of compensation within the statutory period, as ascertained by the Tribunal, the compensation amount shall carry further interest @7.5% per annum w.e.f. from the date of filing of the claim petition till its actual payment. The appellant-insurance company shall deposit the entire amount, if not paid, with the Registry of this Court within 1(one) months from today.

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

JUDGE**SAIKAT
KAR**

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by SAIKAT KAR
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