

**HIGH COURT OF TRIPURA
AGARTALA**

MAC. APP. NO.27 OF 2026

Magma HDI General Insurance Company Ltd.

*Office at 2nd Floor, F. Fort South Sarani, Ulubari, G.S. Road,
Guwahati, Assam, Kamrup-781007(Insurer of TR-08-1884 (Tata
Truck).*

.....Appellant.

Versus

1. Smti. Sabita Rani Ghosh

*W/O. Sri Pijush Chandra Ghosh. Of Vill-Khilpara, P.S. R.K.Pur,
Udaipur, Gomati Tripura.*

.....Claimant Respondent

2. Smti. Sangita Das (Saha)

*W/O. Sri Rajesh Saha, Resident of North Bank of Mahadeb Dighi,
P.S. R.K.Pur, Udaipur, Gomati, Tripura. (Owner of TR-08-1884
(Tata Truck)*

.....Owner- Respondent

3. Sri. Srimal Debnath

*S/O. Sri Suresh Chandra Debnath Resident of Vill-Dudh Puskarini,
Paschim Para, P.S. Kakraban, Udaipur, Gomati, Tripura.
(Driver of TR-08-1884 (Tata Truck)*

4. Sri. Pijush Chandra Ghosh

*S/O. Lt. Phani Bhusan Ghosh Of Vill-Khilpara, P.S. R.K.Pur,
Udaipur, Gomati Tripura, (Owner of TR-03-H-7083 Motor Bike)*

5. Oriental Insurance Company Ltd. Udaipur Branch, Gomati,

Tripura. (Insurer of TR-03-H-7083 Motor Bike).

.....Respondents.

For the Appellant(s)	:	Mr. Rajib Saha, Advocate.
For the Respondent(s)	:	None.

HON'BLE JUSTICE DR. T. AMARNATH GOUD

16.03.2026

[1] Heard .

[2] This present appeal has been filed under Section 173 of the M.V. Act 1988 against the judgment and award dated 10.12.2025 passed by the Member Motor Accident Claims Tribunal, Gomati Judicial District, Udaipur in connection with in T.S.(MAC) 14 of 2022.

[3] The appellant has prayed for the following reliefs:-

(i) Admit the Appeal;

(ii) Call for the case records from the Learned Motor Accident Claims Tribunal, Court No. 2, Gomati Judicial District, Udaipur, in Case No. T.S. (MAC) 14 of 2022;

(iii) After hearing the parties be pleased enough to set aside/ quash and modify the impugned judgement and award dated 10.12.2025, passed by the Learned Tribunal below exonerating the appellant insurer from any such liability since there is no such rash and negligent on the part of the insured truck vehicle 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 10.12.2025 in Case No. T.S. (MAC) 14 of 2022, passed by the Learned Motor Accident Claims Tribunal, Gomati Judicial District, Udaipur;

[4] Brief facts of the case is that on 26.06.2021 at night about 1.30/2 P.M. while the deceased was returning home after completion his duty from Tepania District Hospital, Udaipur by riding his Motor Bike bearing No. TR-03-H-7083 and when he reached at Khilpara Bhangarpar, at that time some street dogs chased him and to save himself he drove his Motor Bike on the extreme left side of the road and dashed the Truck Vehicle bearing No. TR-08-A-1884 parked on the left side of the road. It is also pleaded that at the time of accident the road was dark and there was no parking signal light or parking signal on the parking area. As a result, deceased dashed his Motor Bike on the back side of the Truck vehicle. It is further pleaded that the spot of accident was a curve and is a turning place. Due to said accident the deceased received severe injuries on his parts and police vehicle shifted him to Tepania District Hospital, Udaipur. The attending Doctor of District

Hospital, Udaipur after examination declared him dead. It is further pleaded that at the time of death deceased was a healthy man of 24 years of age and was earning 20,000/- per month as Lab Technician/Pathologist under ASR Hospitals(India) Pvt. Ltd. It is also alleged by the claimant-petitioner that the accident occurred due to wrong parking the vehicle bearing registration No. TR-08-1884(TATA TRUCK) without any parking light or any parking signal.

[5] The learned Tribunal after hearing the parties and on perusal of the material evidence on record has observed as under:

“O=R=D=E=R

28. In the result, it is hereby ordered that the claimant petitioner is entitled to get compensation of 16,64,600/- (Rupees Sixteen lakh sixty four thousand six hundred) only. The OP No.3 i.e. The MAGMA HDI General insurance Co. Ltd. being the Insurer of the offending Motor Vehicle bearing Registration No. TR-08-1884(TATA Truck) is directed to make the payment of compensation in terms of Sec 168(3) of MV Act., 1988, to the claimant-petitioner within 30 (thirty) days from today along with interest thereon @ 7.5% per annum from the date of filing of claim petition dated 01.04.2022 till payment/realization of the same.

29. Out of the said amount the claimant-petitioner be paid Rs.5,00,000/- and the rest amount of Rs.11,64,600/- should be kept in fixed -2 deposit in her account in any Nationalized Bank for the period of 5(five) years. In the case in which investment in long term in the nature of fixed deposit is made on condition that the Bank will not permit any loan or advance on the Fixed De-posit and interest on the amount invested is paid monthly directly to the claimant, as the case may be. Further the claimant-petitioner is also granted liberty to apply for withdrawal in case of an emergency. To facilitate the payment of amount of the claimant-petitioner and the fixed deposit amount on maturity, the claimant-petitioner at the appropriate time shall file photo copy of her Bank Pass Book in her name containing photograph, account number, IFSC number and the RTGS number duly certified by the Banker and a copy of Passport Size Photograph before making payment so as to enable this Tribunal to transfer the amount directly to her Bank Account. .

30. The case is disposed of.”

[6] Being aggrieved and dissatisfied with the judgment and award dated 10.12.2025 passed by the Ld. Motor Accident Claims Tribunal, Gomati Judicial District, Udaipur in T.S (MAC) No. 14 of 2022, the present appeal has been preferred by the appellant.

[7] After perusal of the record, this Court finds that it is specifically mentioned in the charge-sheet though the officer has not been examined that the accident has taken place as the street dog is

chasing and to save its life the driver has taken the vehicle towards the left side of the road and hit the vehicle which is already parked. Though, the insurance company nor any other person has pleaded on the point that the truck which was parked was rightfully parked or it was in violation of any traffic conditions, that issue was not discussed before the learned Trial Court. Accordingly the issue of contributory negligence is not attended.

[8] In view of the overall analysis made by the learned tribunal below and after going through the material evidence in its entirety, this Court is of the view that the assessment of compensation as awarded by the learned tribunal below is just and proper and needs no interference thus, the findings as arrived by the learned tribunal below stands affirmed. The awarded amount, if not already deposited shall be deposited by the insurance company on or before 30th April 2026. However, it is made clear that on such deposit, the claimant is at liberty to withdraw the same unconditionally as per procedure.

[9] The appellant-Insurance company is entitled to withdraw or adjust the statutory amount of Rs. 25,000/- deposited by them as per procedure.

[10] In view of the above observation and directions, the impugned order dated 10.12.2025 passed in T.S(MAC) 14 of 2022 stands confirmed. Consequently, this present appeal stands dismissed.

[11] As a sequel, miscellaneous application pending, if any, shall stand closed.

Send down the LCRs.

DR. T. AMARNATH GOUD, J

Paritosh

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GHOSH

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