

**HIGH COURT OF TRIPURA
AGARTALA**

MAC APP 26 OF 2026

Magma HDI, General Insurance Company Ltd.
represented by its General Manager, Block No. 3B, B 201-
202BCOSPCE, Business Park, Ambuja Reality Campus, Action
Area II O North Tewnty Four Parganas, West Bengal (State
Code 19),

Insurer of Truck No. TR-07-B-1540

-----Appellant(s)

Versus

- 1. Smt. Manga Laxmi Debbarma**, wife It. Aswini Debbarma,
resident of c/o Sri Ramendra Chandra Deb, Badharghat, P.S.
Amtali, District- West Tripura.
- 2. Smt. Sakuntala Debbarma**, daughter It. Aswini Debbarma,
resident of c/o Sri Ramendra Chandra Deb, Badharghat, P.S.
Amtali, District- West Tripura.
- 3. Smt. Priti Debbarma**, daughter It. Aswini Debbarma,
resident of c/o Sri Ramendra Chandra Deb, Badharghat, P.S.
Amtali, District- West Tripura.
Earlier residing at : (Latiachara), P.S. Takarjala, Sepahijala
District.

.... Claimant Respondents

- 4. Sri Sanjit Debnath**, son of Gopal Debnath, resident of
Golaghati Bazar, Ward no.3, P.S. Takarjala, District-
Sepahijala, Tripura.

Owner of Truck No. TR-07-B-1540

----- Owner-Respondent

- 5. National Insurance Company Ltd.**, Akhaura Road,
Agartala, P.S. West Agartala, West Tripura.

Insurer of Bike No. TR-07-C-7404

----- Respondent

For Appellant(s)	:	Mr. R. Saha, Advocate
For Respondent(s)	:	None
Date of hearing & delivery of Judgment & Order	:	12.03.2026
Whether fit for reporting	:	Yes / No

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

This is an appeal preferred by the appellant- National Insurance Company Limited challenging the judgment dated 12.12.2025 passed by the Motor Accident Claims Tribunal, West Tripura, Agartala, in case No. T.S. (MAC) 153 of 2020 praying for dismissal of the award to the tune of Rs. 54,25,930/- only alongwith interest @7.5% per annum w.e.f. the date of filing of the claim petition i.e. 15.10.2020, till realization of the same.

2. Heard Mr. R. Saha, learned counsel appearing for the appellant-Insurance Company.

3. The brief fact of the case, as projected by learned Tribunal, is that, on 21.07.2020, Aswini Debbarma, husband of claimant no. 1 and father of claimant nos. 2 and 3, was proceeding towards Jampuijala I.S Office from Ghaniamara. At about 11.30 a.m. when he reached Takarjala Jabra para, one Truck bearing registration No.TR-07-B-1540 loaded with bricks coming from Jirania towards Ghaniamara suddenly dashed right portion of the bike as the driver lost control over the vehicle due to its high speed. After the accident, Aswini Debbarma was shifted to Takarjala Hospital and then to the G.B Hospital where during treatment he died on 02.08.2020. It is stated that accident occurred due to rash and negligent driving of the driver of said Truck. Concerning the accident, a police case was registered with Takarjala Police Station vide Takarjala P.S. Case No.09/2020. It is stated that deceased was 52 years old at the time of accident and serving as a Teacher (Kokbarak) under TTAADC, Khulwng, he used

to draw salary of Rs.50,250/-, per month. Due to unfortunate death, petitioners i.e. the claimants herein are now in acute financial hardship. Finally, the petitioners being the legal heirs of the deceased claimed compensation to the tune of Rs.80,00,000/-.

On receipt of the claim application, the owner of the vehicle and the insurance companies by filing their respective written statements appeared and contested the claim application.

All the 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-respondent to the tune of Rs. 54,25,930/- along with interest @7.5% per annum from the date of filing of claim application till the date of realization with proportionate share.

Being aggrieved by and dis-satisfied with the said award dated 12.12.2025 passed by the learned Tribunal in T.S. (MAC) 153 of 2020, the appellant-insurance company has preferred this appeal with the following reliefs:

- “(i) Admit the Appeal;**
- (ii) Call for the case records from the Learned Motor Accident Claims Tribunal, West Tripura, Agartala, in Case No. T.S. (MAC) 153 of 2020;**
- (iii) After hearing the parties be pleased enough to set aside/ quash and modify the impugned judgement and award dated 12.12.2025, 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 12.12.2025 in Case No. T.S. (MAC) 153 of 2020, passed by the Learned Motor Accident Claims Tribunal, West Tripura, Agartala;**

AND

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

4. Mr. Saha, learned counsel appearing for the appellant-insurance company has argued that the award is in the higher side. It is argued that it is a simple case of contributory negligence and has wrongly fastened the liability of compensation upon the appellant-insurance company. Learned counsel for the appellant has further submitted that the amount of compensation has been wrongly assessed which 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 appellant-insurance company did not adduce any evidence either oral or documentary to discard the issue of contributory negligence and has completely failed to make out any case on to the issue of contributory negligence, hence, this court cannot accept the submission of learned counsel for the appellant-insurance company. Further, from the police papers it is well established that the accident occurred due to negligency on the part of the offending vehicle.

7. Upon consideration of the totality of facts and circumstances, this Court does not find any ground to warrant an interference with the impugned award, and the same cannot be interfered with. Accordingly, it is made clear that the findings of the learned Tribunal regarding the entitlement of the claimant-respondents to receive the compensation to the tune of Rs. 54,25,930/- alongwith interest @7.5% per annum w.e.f. from the date of filing of the claim petition till its actual payment, is not liable to be disturbed and hence, the same is affirmed. The

appellant-insurance company shall deposit the entire amount, if not paid, with the Registry of this Court within 1(one) months from today. Registry shall adjust Rs.25,000/- which was submitted by the appellant at the time of filing of the appeal, as per procedure.

8. Consequently, the appeal preferred by the appellant-insurance company stands dismissed. As a sequel, pending application(s), if any, also stands disposed.

JUDGE



**SAIKAT
KAR**

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