



2026:THC:583

**HIGH COURT OF TRIPURA
AGARTALA
Mac. App. No. 37 of 2026**

1. Director General of Police

Head Quarter of Akhaura Road Joynagar, PS- West Agartala, Agartala West Tripura. (Owner of Vehicle No.TR 01C1129 (Swaraj Mazda Bus).

2. Assistant Inspector General of Police (AIG), Head Quarter of Akhaura Road Joynagar, PS :- West Agartala, West Tripura.(Owner of vehicle No. TR01C1129 (Swaraj Mazda Bus).

2.MTO of Gomati, *MT Section of Police Department Of Dhajanagar Police Line, PS: R.k. Pur, Udaipur, Gomati Tripura(Present possession of Owner of the Vehicle TR 01C1129 (Swaraj Mazda Bus).*

.....**Appellants**

VERSUS

1. Smt. Malati Paul

W/o: Lt. Sankar Paul

2. Sri Buddha Paul

S/o:- Lt. Sankar Paul

3. Sri Biswajit Paul

S/o:- Lt. Sankar Paul

4. Sri Rabindra Paul

S/o:- Lt. Sankar Paul

All are residents of Purba Gakulpur, Kalitila near I.C.D.S, P.O- Gakulpur P.S-R.K.Pur, Udaipur, Gomati District, Tripura, Pin- 799114.

.....**Claimant Respondents**

5. Sri Karma Bahadur Jamatia,

S/O Sri Prabir Kumar Jamatia of Bampur,PS: Birganj, Amarpur. At present of M.T Section, Police line, Dhajanagar, PS: R.K.Pur, P.O- Gakulpur, Udaipur, Gomati District, Tripura, Pin – 799114, (Driver of Vehicle TR01C1129 (Swaraj Mazda Bus).

.....**Driver Respondent**

**Along with
Mac. App. No. 38 of 2026**

1. Smt. Malati Paul (42 years)

W/o: Lt. Sankar Paul

2. Sri Buddha Paul (26 years)

S/o:- Lt. Sankar Paul

3. Sri Biswajit Paul (24 years)

S/o:- Lt. Sankar Paul

4. Sri Rabindra Paul (21 years)

S/o:- Lt. Sankar Paul

All of Purba Gakulpur, Kalitila near I.C.D.S, P.O-Gakulpur P.S-
R.K.Pur, Udaipur, Gomati District, Tripura,

.....**Claimant(s)-appellant(s).**

Versus

1. Director General of Police

Head Quarter of Akhaura Road Joynagar, PS- West Agartala, Agartala
West Tripura. (Owner of Vehicle No.TR 01C1129 (Swaraj Mazda Bus).

2. Assistant Inspector General of Police (AIG), Head Quarter of

Akhaura Road Joynagar, PS :- West Agartala, PO- Agartala, West
Tripura.(Owner of vehicle No. TR01C1129 (Swaraj Mazda Bus).

3. Sri Karma Bahadur Jamatia, S/O Sri Prabir Kumar Jamatia of

Bampur,PS: Birganj, Amarpur. At present of M.T Section, Police line,
Dhajanagar, PO & PS: R.K.Pur, Udaipur, Gomati District, Tripura,
Pin – 799114, (Driver of Vehicle TR01C1129 (Swaraj Mazda Bus).

4. MTO of Gomati, MT Section of Police Department Of

Dhajanagar Police Line, PO & PS: R.k. Pur, Udaipur, Gomati Tripura
(Present possession of Owner of the Vehicle TR 01C1129

.....**Respondents.**

In MAC. App. No. 37 of 2026

For the Appellant(s) : Mr. K. De, Addl.G.A.

For the Respondent(s) : Mr. A. Acharjee, Advocate.

Ms. M. Basu, Advocate.

Ms. A. Dey, Advocate.

In MAC. App. No. 38 of 2026

For the Petitioner(s) : Mr. A. Acharjee, Advocate.

Ms. M. Basu, Advocate.

Ms. A. Dey, Advocate.

For the Respondent(s) : Mr. P. Gautam, Sr. G.A.

BEFORE

HON'BLE JUSTICE DR. T. AMARNATH GOUD

O R D E R

11.05.2026

[1] Heard.

[2] This present Mac. Appeal No. 37 of 2026 is filed seeking the following reliefs:

- “ i. Admit the appeal;*
- ii. Call for the case records from the Learned Tribunal Below;*
- iii. Stay the operation of the impugned judgment and award dated 11.11.2025 passed by the Learned Motor Accident Claims Tribunal No. 2, Gomati Judicial District, Udaipur in case No. TS(MAC) 32 OF 2022.*
- iv. After hearing the parties be pleased enough to set aside/quash and modify the impugned judgment and award dated 11.11.2025 passed by the learned Motor Accident Claims Tribunal No. 2, Gomati Judicial District, Udaipur in case No. TS (MAC) 32 of 2022.*

[3] This present Mac. Appeal No. 38 of 2026 is filed seeking the following reliefs:-

- “1) admit the appeal;*
- (2) call for the records from the Ld. Tribunal below;*
- (3) issue notice upon the respondents; and*
- (4) after hearing the parties would further be pleased enough to modify the impugned judgment and the awarded compensation of Rs.7,20,875/-(Rupees Seven lakh twenty thousand eight hundred seventy five) passed on 11.11.2025 by the Ld. Member, Motor Accident Claims Tribunal No.2, Gomati Judicial District, Udaipur in T.S. (MAC) 32/2022, to the extent of Rs. 33,25,000/- or more, to the extent prayed by the appellants before the ld. Tribunal otherwise the appellants would be highly prejudiced.*

[4] Since, both these appeals have been preferred challenging the impugned judgment and award dated 11.11.2025 passed in T.S. (MAC) No. 32 of 2022, they are taken up together for a common disposal.

[5] Brief facts of these cases as enumerated from the trial court is that on the fateful day of accident i.e. 17.03.2022 at about 7.40 while the victim was proceeding towards his house by riding a bi-cycle from Udaipur market and on reaching Gokulpur, near Subhash Bridge in front of a meat shop on Agartala-Sabroom NH Road at that time the vehicle bearing no. TR-01-C-1129(Bus) proceeding towards Agartala from Rajarbagh side without giving any signal in a rash and negligent manner dashed the bicycle of the victim from Back side. As a result, the victim fell down from his bi-cycle and received serious bleeding injuries. Thereafter he was shifted to Gomati District hospital but during

his ongoing treatment , he succumbed to his injuries. Thereafter, a case was registered with the OC, of RK Pur PS.

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

“ORDER

22. In the result, it is hereby ordered that the claimant petitioners are entitled to get compensation of ₹7,20,875/- (Rupees Seven lakh twenty thousand eight hundred seventy five) only. OP No.1,2, and 4 are directed to make the payment of compensation in terms of Sec 168(3) of MV Act., 1988, in favour of the claimant-petitioners within 30 (thirty) days from today along with interest thereon @ 7.5% per annum from the date of filing of claim petition dated 20.07.2022 till payment/realization of the same. And the claimant petitioners are equally entitled to the said amount of compensation.

23. Out of the said amount the claimant-petitioner no.1 being the wife be paid ₹2,00,000/- and claimant petitioner Nos. 2, 3 and 4 be paid 1,00,000/- each and the rest amount of 2,20,875/- should be kept in fixed deposit in their respective accounts 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 Deposit and interest on the amount invested is paid monthly directly to the claimants, as the case may be. Further, the claimant-petitioners are also granted liberty to apply for withdrawal in case of an emergency. To facilitate the payment of amount of the claimant-petitioners and the fixed deposit amount on maturity, the claimant-petitioners at the appropriate time shall file photo copy of their Bank Pass Book in their names 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 amounts directly to their Bank Account....”

[7] Being aggrieved and dissatisfied with the order dated 11.11.2025, the respective parties preferred these appeals before this Court seeking their respective reliefs as quoted above.

[8] Mr. K. De, learned Addl. G.A appearing for the appellants in Mac. App No. 37 of 2026 submits before this Court that the learned tribunal below without considering any age proof certificate depending only upon the post-mortem report passed the award and further he submits that in absence of any income certificate the court below considered the monthly income of the deceased to the tune of Rs.10,500/- per month which is absolutely contrary to the law.

[9] Per contra Mr. A. Acharjee, learned counsel appearing for the appellant in Mac. App No. 38 of 2026 submits before this Court that the learned court below has assessed the monthly income of the deceased as Rs. 10,500/- per month although the deceased was a rickshaw puller and was a skilled day labour. Therefore, he prays to enhance the compensation of the claimants.

[10] This Court feels that since, the relevant documents were not adduced before the learned trial court and on the basis of circumstantial evidences, the learned tribunal below awarded a fair amount, according to this Court the same needs no interference .

[11] In view of the overall analysis made by the learned tribunal below and after going through the available records, this Court is of the view that the assessment of compensation as awarded by the learned tribunal below in its order dated 11.11.2025 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 with the Registry by the insurance company within one month from today. However, it is made clear that on such deposit, the claimants would be at liberty to withdraw the same unconditionally as per procedure.

[12] In view of the above observation and directions, the impugned order dated 11.11.2025 passed in T.S(MAC)32 of 2022 stands confirmed. Consequently, both these appeals stand dismissed.

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

DR. T. AMARNATH GOUD, J

Paritosh

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GHOSH

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