



TRHC010005662026

**HIGH COURT OF TRIPURA
AGARTALA****MAC APP 43 OF 2026**

Bajaj Allianz General Insurance Company Limited, Shreeji Tower, 3rd Floor, C/O Guwahati Tea Ware Housing Adjacent to Mahindra Showroom, Near Ganesh Guri Flyover, Christianbasti, Guwahati - 781005

[Insurer of vehicle No. TR-01-E-3998 Maruti Van)]

-----**Appellant(s)**

Versus

1. Sri Sankar Debnath, son of late Manik Debnath, father of Late Kamal Debnath (victim), resident of Gakulnagar, Ward no.7, P.S. Bishalgarh, District- Sepahijala, Tripura;

2. Smt. Purnima Debnath, wife of Sri Sankar Debnath, mother of Late Kamal Debnath (victim), resident of Gakulnagar, Ward no.7, P.S. Bishalgarh, District- Sepahijala, Tripura;

3. Smt. Munna Debnath, daughter of Sri Sankar Debnath, sister of Late Kamal Debnath (victim), resident of Gakulnagar, Ward no.7, P.S. Bishalgarh, District- Sepahijala, Tripura;

----- **Claimant-Respondents**

4. Sri Paban Das, son of late Huran Chandra Das, resident of Indiranagar, P.S. Melaghar, Sonamura, District-Sepahijala, Tripura.

[Owner of vehicle No. TR-01-E-3998 Maruti Van)]

----- **Owner-Respondent**

For Appellant(s)	:	Mr. S. Das, Advocate
For Respondent(s)	:	Mr. N. Chowdhury, Advocate
Date of hearing & delivery of Judgment & Order	:	18.06.2026
Whether fit for reporting	:	No

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 13.01.2026 passed by the Motor Accident Claims Tribunal No.4,

West Tripura, Agartala, in case No. T.S. (MAC) 234 of 2022, with the following reliefs:

i) Admit this Appeal;

ii) Call for records relevant to the subject matter of the case from the Learned Motor Accident Claims Tribunal No.-4, West Tripura, Agartala, in Case No. T.S. (MAC) 234 of 2022;

iii) After hearing the parties be pleased enough to set aside/ quash and modify the impugned judgment and award dated 13.01.2026, passed by the Learned Motor Accident Claims Tribunal No.-4, West Tripura, Agartala, in Case No. T.S. (MAC) 234 of 2022, 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 13.01.2026, passed by the Learned Motor Accident Claims Tribunal No.-4, West Tripura, Agartala, in Case No. T.S. (MAC) 234 of 2022;

v) Pass any other order/orders as this Hon'ble High Court may deem fit and proper."

2. Heard Mr. S. Das, learned counsel appearing for the appellant-Insurance Company. Also heard Mr. N. Chowdhury, learned counsel appearing for the claimant-respondents.

3. Briefly stated, the claimant-respondents have filed a claim petition on account of death of deceased, Kamal Debnath, caused due to a road traffic accident which took place on 23.05.2022 at about 2.00 p.m. It was stated that on the relevant date and time the deceased was returning home by riding his motorcycle and while he reached Amtali Bypass Naka, the offending vehicle bearing registration No. TR-01-E-3998 coming from the opposite direction knocked him down as a result of which he sustained multiple injuries and was shifted to TMC wherefrom he was referred to GBP hospital, but on the way 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. 51,20,400/- along with interest @7% per annum from the date of filing of the claim application till the date of actual realization.

Being aggrieved by and dis-satisfied with the said judgment and award dated 13.01.2026 passed by the learned Tribunal in T.S. (MAC) 234 of 2022, the appellant-insurance company has preferred this appeal.

4. Mr. Saha, learned counsel appearing for the appellant-insurance company has argued that the amount of compensation has been wrongly assessed. Learned counsel has submitted that the deceased was a bachelor and instead of deducting 50%, learned tribunal has made 1/3rd deduction. Learned counsel has also submitted that the compensation towards future prospect of the deceased has also been assessed by the learned tribunal. Hence, learned counsel has argued for interference of this court into the impugned judgment and award passed by learned tribunal.

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. On perusal of the judgment, this court is of the view that since the deceased died bachelor, the tribunal ought to have applied deduction of 50% towards personal expenses instead of 1/3rd deduction. Hence, this court is inclined to modify the same, accordingly, the same is modified. Registry shall re-calculate the award of compensation after deducting 50% of the personal expenses. Thereafter, the insurance company shall deposit the amount variation before the Registry of this Court within 1(one) months and, on such deposition, the claimant-respondents shall be entitled to receive the same unconditionally as per their apportionment. The statutory deposit shall also be released in favour of the claimant-respondents, if not already released.

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

JUDGE

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