

**HIGH COURT OF TRIPURA
AGARTALA**

MAC APP 43 OF 2025

National Insurance Company Limited,
represented by its Branch Manager, Agartala, 42 Akhaura
Road, P.S. West Agartala, District- West Tripura,
(Insurer of the vehicle No. TR-01-AG-0769, maruti van)

-----Appellant(s)

Versus

- 1. Sri Dipan Debbarma,** son of Sri Bhanu Bhushan Debbarma,
resident of West Harina, Binami Tilla, P.O. Harina, P.S.
Sabroom, District- South Tripura.

... Claimant Respondent

- 2. Sri Subir Sukla Das,** son of It. Manik Kanti Sukla Das,
resident of Sabroom, Thakurpalli, P.O.+P.S. Sabroom,
District- South Tripura
(driver of TR-01-AG-0769, maruti van)

- 3. Sri Kausik Roy,** son of Sri Kalyan Kumar Roy, resident of
Nathpara, Indranagar, Ward No.6, P.S. East Agartala,
Agartala, District- West Tripura.
(owner of TR-01-AG-0769, maruti van)

- 4. Sri Bhanu Bhushan Debbarma,** son of It. Iswar Chandra
Debbarma, resident of West Harina, P.O. Harina, P.S.
Sabroom, District- South Tripura.
(owner of TR-08-A-0610, maruti van)

- 5. The Branch Manager,** New India Assurance Company
Limited, Udaipur Branch, P.O.+P.S. RK Pur, District- Gomati,
Tripura.
(insurer of TR-08-A-0610, maruti van)

-----Opposite party-Respondents

For Appellant(s)	:	Ms. R. Purkayastha, Advocate
For Respondent(s)	:	Mr. Ratan. Datta, Advocate Mr. Kushal Deb, Advocate
Date of hearing & delivery of Judgment & Order	:	19.02.2026
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 award dated 17.10.2023 passed by the Motor Accident Claims Tribunal, South Tripura, Sabroom in case No. T.S. (MAC) 06 of 2022 praying for

dismissal of the award to the tune of Rs. 4,20,000/- only alongwith interest @9% per annum w.e.f. the date of filing of the claim petition i.e. 01.07.2020.

2. Heard Ms. R. Purkayastha, learned counsel appearing for the appellant-Insurance Company. Also heard Mr. Ratan Datta, learned counsel appearing for the respondent no. 4, as well as Mr. Kushal Deb , learned counsel appearing for the respondent no.5.

3. The facts of the case as projected by the learned trial court, herein, are as under:

"On 18.02.2018 at the night of 9:30 p.m. on Sabroom-Agartala road near Jalefa Bazar falling under the purview of Sabroom Police Station a road traffic accident occurred when a Maruti Van bearing registration No.TR-01-AG-0769 appeared there rashly and/or negligently and dashed against another Maruti Van to which victim-petitioner was driving and in the result, he received severe multiples injuries on his body and had been shifted to Sabroom Sub-Divisional Hospital with the assistance of firemen of the local fire service station and due to critical manner of injuries later on, petitioner was again shifted to Gomati District Hospital as well as to the GBP Hospital, Agartala. It was the case of the claimant that concerning the said accident, a police case was also registered. Finally, the claimant petitioner claimed compensation to the tune of Rs.13,50,000/-only on different heads along with interest from the date of accident till the date of payment."

On receipt of the claim application, the appellant-insurance company as well as the opposite party-respondent Nos.

2 and 5, by filing their respective written objection contested the claim application. In course of the proceeding, the claimant-respondents have examined himself as witness and exhibited some documents. On the other hand, the respondent examined two witnesses and proved certain documents.

All the witnesses were examined and cross-examined and the documents were also taken into consideration by the learned trial Court.

Following the settled principles of law, the learned Tribunal has quantified the compensation to the tune of Rs. 4,20,000/- along with interest @9% 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 award dated 17.10.2023 passed by the learned Tribunal in T.S. (MAC) 6 of 2022, the insurance company has preferred this appeal with the following reliefs:

- "a) Admit the appeal;**
- b) Call for the records from the Id. Tribunal below;**
- c) issue notice upon the respondents, and;**
- d) after hearing the parties would further be pleased enough to quash /set aside that part of the impugned award dated 17.10.2023 passed by the Ld. Motor Accidents Claims Tribunal, Sri Tapan Debbarma, South Tripura, Sabroom in T.S. (MAC) 06/2022 whereby the Ld. Tribunal below has most illegally and arbitrarily awarded compensation of Rs.4,20,000/- (Rupees Four Lac Twenty Thousands) only to the Claimant Respondent to be paid by the O.P. No.2 Appellant, the insurer of vehicle No. TR-01-AG-0769, Maruti Van within 30 days from the date of receipt of this judgment along with interest @ 9% per annum thereupon from the date of filing of claim petition i.e. from 01.07.2020 till realization of the same; and further be pleased enough to stay the operation of the impugned award till final disposal of the appeal, otherwise the appellant would be highly prejudiced."**

4. Ms. Purkayastha, learned counsel appearing for the appellant-insurance company has submitted it is a case of contributory negligence where injuries have been caused to the

claimants due to combined accident of both the vehicles. Learned counsel for the appellant has further submitted that the claimant-victim has not suffered any disability arising out of the said accident and there is no reason for awarding compensation under the head of future treatment and loss of amenities of life. Learned counsel has also submitted that the amount of compensation is in the higher side and has prayed for setting-aside the impugned award.

5. Per contra, learned counsel for the respondents unanimously have submitted that on the basis of oral and documentary evidence, learned trial Court has rightly assessed the compensation and urged to maintain with the findings of the learned Tribunal.

6. I have perused the entire record including the award passed by the learned Tribunal.

7. It is not in dispute that on the alleged date and time, there was an accident involving two vehicles and out of the alleged accident, the claimant-respondent sustained fracture injuries on his knee, legs and other vital parts of his body, which has also been supported by medical evidence. From the medical summary, it is revealed that the claimant-respondent has undergone long term treatment under various hospitals and private doctors. From the medical document, it also transpires that the claimant-respondent has undergone operation in his left leg. It further transpires that he has to undergo operation for implant removal, and during the entire treatment, the claimant-respondent was under bed-rest which has caused serious hamper to his income.

Further, from Exhibit 7 i.e. the police papers, it is transpired that charge-sheet was filed against the driver of TR-01-AG-0769, maruti van i.e. respondent No. 2 herein. Thus, the learned tribunal has rightly assessed the compensation holding the appellant liable to pay the compensation.

8. From the entirety, this court is of the view that the appellant-insurance-company cannot escape from the liability of paying the compensation to the claimant-respondent. This court is of the view that the assessment of compensation by the learned Tribunal below is just and proper and the appellant-insurance company is liable to make the compensation to the claimant-respondent, as decided by the learned Tribunal. Accordingly, it is made clear that the finding of the learned Tribunal regarding the entitlement of the claimant-respondent to receive the compensation to the tune of Rs.4,20,000/- shall not be interfered with. However, in so far as the interest is concerned, this court is fixing 7.5% interest considering as reasonable invariably in all cases. Accordingly, the compensation amount of Rs.4,20,000/- is alongwith 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. Registry shall adjust Rs.25,000/- which was submitted by the appellant at the time of filing of the appeal, as per procedure.

However, it is made clear that on such deposit, the claimant-respondent would be at liberty to withdraw the same in

terms of the conditions as laid down in Order dated 17.10.2023 passed in T.S.(MAC)6 of 2022.

9. In view of the above, the appeal preferred by the appellant-insurance company is modified to the extent as indicated above. Accordingly, the appeal stands partly allowed and thus disposed. Pending application(s), if any, also stands disposed..

JUDGE



**SAIKAT
KAR**

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