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**HIGH COURT OF TRIPURA
AGARTALA
MAC. APP. NO. 45 OF 2026**

The Divisional Manager

The Oriental Insurance Company Ltd.

A company registered under the Companies Act, 1956, being represented by the Assistant Manager/Officer in Legal Hub/ Authorized signatory, Agartala Division Office, H.G.B Road, near Sarkar Nursing Home, P.S, Agartala, west Tripura.

.....Appellant.

Versus

1. Sri. Surendra Tanti (64 YRS),

S/O. Lt. Jogendra Tanti, Resident of Village Sonatala, Near Colony A.W.C. PO-Sonatala, Khowai PS, District - Khowai, Tripura, pin-799207.

2. Smt. Pramila Tanti (58 Yrs)

W/O. Lt. Surendra Tanti, Resident of village - Sonatala, Near Colony A.W.C. P.O. - Sonatala, Khowai - PS, District - Khowai, Tripura, Pin-799207.

.....Claimants - Respondents

3. Sri. Yodhisthir Sukla Das,

S/O. Lt. Balaram Sukla Das, Resident of village - Purba Sonatala, Near Panchayet, P.O. - Sonatala, Khowai - PS, District - Khowai, Tripura. (Rider-cum-owner of the offending motor-cycle bearing No. TR-06-A-9044, Super Splendor).

..... Respondent.

For the Appellant(s) :	Mr. Biswanath Majumder, Advocate. Ms. N. Roy Patwari, Advocate.
For the Respondent(s) :	None.

HON'BLE JUSTICE DR. T. AMARNATH GOUD
ORDER

11.05.2026

[1] Heard .

[2] This present appeal has been filed under Section 173 of the M.V. Act 1988, against the judgment and award dated 13.02.2026



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passed by the Learned Member, Motor Accidents Claims Tribunal, Khowai Tripura in case No. T.S. Mac 09 of 2024.

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

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 (i) Admit the Appeal;
 ii.. Issue notice upon the Respondents.
 iii.Call for the records of the case from the Motor Accident Claims Tribunal Khowai, Tripura in Case No. T.S. (MAC) 09 of 2024.
 iv. Stay the operation of the impugned judgment and award dated 13.02.2026, passed by the Ld. Member Motor Accident Claims Tribunal Khowai, Tripura in Case No. T.S. (MAC) 09 of 2024.
 V. After hearing the parties at length be pleased enough to dismiss / set aside / quash the impugned judgment and award dated 13.02.2026, passed by the Ld. Member (Namely, Sri. V. P. Debbarma), Motor Accident Claims Tribunal Khowai, Tripura in Case No. T.S. (MAC) 09 of 2024.”

[4] Facts leading to filing of this Case is that on 28.01.2019 in the afternoon, the victim along with one was proceeding towards Subhash Park riding Yodhisthir Sukla Das's motor-cycle bearing no.TR-06A-9044 (Super Splender) as a pillion rider from his residence and when they reached at near Sonatala market on Teliamura-Khowai Road, at about 05.30 PM, rider of the said motor-cycle tried to overtake one truck and lost control over the same. As a result of the same, it is alleged that the motor-cycle hit the backside of the Truck, due to which, the victim fell under the truck and got seriously injured. It is further alleged that due to the impact, head of the victim burst, whereas the rider survived by falling on the other side. After the accident, victim was immediately shifted to the District hospital, Khowai, where the attending doctors after examination, declared him brought dead. The claimants also stated that the accident was occurred due to speedy and reckless driving of Yodhisthir Sukla Das, who cleverly fled away from the spot, immediately after the incident. The claimants also contended that at the time of the accident, the deceased was unmarried and only 31 years old and used to earn Rs.20,000/- per month by performing as a Mason. Accordingly, a Criminal case is also stated to have been registered for the said accident by Khowai PS.

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



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“ORDER

9. Being the insurer of the offending motor-cycle bearing No.TR-06A-9044 (Super Splender), the Opp. Party No.2, the Oriental Insurance Company Ltd. is directed to pay the awarded compensation amount of Rs.18,08,600/- (Rupees eighteen lac eight thousand & six hundred only) along with interest @ 7.5% per annum within 60 (sixty) days from the date of passing of this award.

The claimant-petitioner No.2, Smt. Pramila Tanti and mother of the deceased, is entitled to get full compensation of amount of Rs.18,08,600/- (Rupees eighteen lac eight thousand & six hundred only). The Opp. Party No.2, the Oriental Insurance Company Ltd. is to pay the awarded amount of compensation to the claimant-petitioners with 7.5% interest per annum from the date of filing of the claim-petition till the date of actual payment.

10. It is further directed that out of the total awarded amount (Rupees eighteen lac eight thousand & six hundred only) in favour of the claimant-petitioner No.2, 50% of the same shall be kept in fixed deposit schemes in any Nationalized Bank for a period of 05(five) years, however, she shall be at liberty to withdraw the monthly interests, which will accrue from the amount of the fixed deposit scheme.....”

[6] Being aggrieved and dissatisfied with the judgment and award dated 13.02.2026 passed by the learned Motor Accident Claims Tribunal, Khowai, Tripura in T.S (MAC) No. 09 of 2024, the present appeal has been preferred by the appellant.

[7] Mr. Biswanath Majumder, learned counsel appearing for the appellant-Insurance company submits before this Court that the court below has misread the method of law for calculating the income of the deceased to be Rs. 12,000/- per month is perverse, as because, the claim petition though filed under Section 166 of the MV Act, but ought to have been treated under Section 163 (A) of the M.V. Act, 1988, by the learned Tribunal. He contends before this Court that court below ought to have appreciated that the computation of the awarded amount has wrongly been considered where negligence / rashness / reckless driving of the vehicle is to be established but the claim petition was filed under Section 166 of the M.V. Act, 1988. A person cannot claim compensation from his own insurer for his own fault under section 166 of the M.V. Act.

[8] Upon hearing the submissions made at the Bar and after going through the records, it is observed that nothing has been annexed



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with regard to the evidences in this case. It is also observed that during the course of trial, there was nothing to show that the insurance officer has been examined as DWs. Learned counsel of the Opposite party in the trial court was also not cross-examined on the point of charge-sheet, and accident. All these evidences have not been produced before the trial court.

[9] This Court feels that since, all these evidences have not been produced in the learned trial court, it is not open for this Court to re-open these issues. Hence, this Court is not inclined to interfere with the impugned judgment and award dated 13.02.2026 passed by the court below.

[10] 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 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.

[11] In view of the above observation and directions, the impugned order dated 13.02.2026 passed in T.S(MAC) 09 of 2024 stands confirmed. Consequently, this present appeal stands dismissed.

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

DR. T. AMARNATH GOUD, J

Paritosh

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