

**HIGH COURT OF TRIPURA
AGARTALA
MAC APP 41 OF 2025**

National Insurance Company Limited,
represented by its Administrative Officer, Agartala Division
Office, 42, Akhaura Road, P.O. agartala-799001, District-
West Tripura.

----Appellant(s)

Versus

1. Smt. Anjali Das, wife of late Harendra Chandra Das,
resident of Chotta Khola, P.S. PR Bari, District- South
Tripura;

.... Claimant Respondent

2. Sri Sanjib Debnath, son of Sri Subal Debnath, resident of
South Srirampur, P.S. PR Bari, District- South Tripura;
(Owner & Driver of TR-03-AR-3087, auto)

----- Owner-Respondent

For Appellant(s)	:	Mr. AK Deb, Advocate
For Respondent(s)	:	None
Date of hearing & delivery of Judgment & Order	:	09.03.2026
Whether fit for reporting	:	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 and award dated 21.11.2024 passed by the Motor Accident Claims Tribunal, Tribunal No.2, South Tripura, Belonia, in case No. T.S. (MAC) 31 of 2019 praying for modification of the award.

2. Heard Mr. AK Deb, learned counsel appearing for the appellant-Insurance Company.

3. Briefly stated, the son of the claimant-respondent, Sankar Das, on 20.11.2017 was returning to his house by boarding the auto rickshaw bearing registration No. TR-03-AR-3087, which suddenly turned turtle resulting which said Sankar

Das sustained grievous injuries on his person and soon after the accident he was taken for medical treatment at TSD, Udaipur, on being referred and there said Sankar Das succumbed to his injuries. Regarding the said accident, a police case was registered and thereafter, the claimant-respondent filed the claim petition claiming compensation for the death of her son in a vehicular accident.

On receipt of the claim application, the appellant-insurance company as well as the owner-cum-driver of the vehicle by filing their respective written statements 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. 18,48,800/- along with interest @6% 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 21.11.2024 passed by the learned Tribunal in T.S. (MAC) 31 of 2019, the appellant-insurance company has preferred this appeal with the following reliefs:

- "a) Admit the appeal;**
- b) Call for the records of T.S.(MAC) 31 of 2019 from the court of Ld. Member, Sri Gobinda Das, Motor Accident Claims Tribunal, (No.2), South Tripura, Belonia;**
- c) Issue notice upon the respondents and;**
- d) after hearing both the parties Hon'ble Court would be pleased enough to kindly modify the impugned award dated 21.11.2024 passed in TS (MAC) 31 of 2019 by Sri Gobinda Das,**

Motor Accident Claims Tribunal, (No.2), South Tripura, Belonia towards just and proper compensation.”

4. Mr. Deb, learned counsel appearing for the appellant-insurance company has argued that the award is in the higher side. It is argued that the mother, being the claimant, is not entitled to receive the compensation under loss of estate, and that learned tribunal has wrongly assessed the compensation under the head of loss of love and affection. Learned counsel has further submitted that the claimant failed to prove the income of the deceased. Learned counsel for the appellant has further submitted that the amount of compensation under different heads 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 accident occurred due to rash and negligent driving of the driver of the offending vehicle which fact also is established from the charge sheet (Exbt. P/3) submitted by the police. Regarding the income of the deceased, the evidence remained unshaken throughout the trial. Further, from the judgment it is clear that the learned tribunal has rightly taken into consideration the ratio laid down in the judgments rendered by the apex court.

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-respondent to receive the compensation to the tune of Rs.

18,48,800/- alongwith interest @6% 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.

9. 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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