

**HIGH COURT OF TRIPURA
AGARTALA**

MAC. APP. NO.40 OF 2025

The National Insurance Company Ltd.
(To be represented by Administrative Officer),
Agartala Divisional Office, 42, Akhaura Road,
P.O.- Agartala, District-West Tripura, Pin-799001

..... Insurer Appellant

1. Sri Goutam Saha,
S/o Kiran Saha, of Santir Bazar,
P.S.- Santirbazar, District-South Tripura.

Presently residing:

Harishnagar, C/o Lt. Ratan Ch. Das,
P.S.- Bishalgarh, District- Sepahijala

..... Claimant-respondent.

2. Sri Sujit Debnath,
S/o, Sri Ratan Debnath,
Of Hatileta.P.S.Amtali, District-West Tripura,
Owner of TATA Ace Magic bearing No.TR-01-C-3477.

.....Owner Respondent.

For Appellant(s) : Mr. Asim Kumar Deb, Advocate.

For Respondent(s) : Mr. Saugat Datta, Advocate.

Date of hearing and delivery
of judgment and order : 16.01.2026

Whether fit for reporting : NO.

**HON'BLE JUSTICE DR. T. AMARNATH GOUD
JUDGMENT & ORDER(ORAL)**

1. This present appeal has been filed against the impugned Award dated 09.12.2024 passed in T.S. (MAC) No.13 of 2019 by the learned Member, Motor Accident Claims Tribunal, Sipahijala District, Bishalgarh, for modification of the award.

2. The brief facts of the case are that on 20.02.2018, Goutam Saha, the claimant-respondent herein was proceeding towards Belonia from Agartala through Bishalgarh and Bisramganj Main Road, Sipahijala District, by riding his motorcycle bearing No. TR-01-M-0210. While he reached Charilam near Ramakrishna Ashram at about 08.00 hours, the driver of Tata

Magic bearing No. TR-01-C-3477, coming from the Bishalgarh side, collided with a Maruti Van, and as a result, the claimant-respondent received serious injuries on his person. Thereafter, local people arranged to send him to Bishalgarh Sub-Divisional Hospital, and from there he was referred to AGMC & GBP Hospital, Agartala, where he was admitted as an indoor patient and treated w.e.f. 20.02.2018 to 12.06.2018.

3. Subsequently, the claimant filed a claim petition under Section 166 of the M.V. Act claiming compensation of Rs. 22,16,000/- . The learned Tribunal, after hearing both parties, awarded compensation of Rs. 11,54,000/- along with interest @ 7.5%, fixing liability upon O.P. National Insurance Co. Ltd. to pay the awarded compensation amount. Hence, this appeal has been preferred by O.P. National Insurance Co. Ltd., as the appellant, for modification of the award towards just and proper compensation.

4. When the case is called, both sides are present.

5. Mr. A.K. Deb, learned counsel appearing for the appellant, submits that the only point which falls for consideration is that when the accident took place, the disability certificate marked as Exbt-5, issued by Chairman District Disability Board, South Tripura in the year 08.11.2018 indicates 40% disability due to serious injuries to the knee and ankle of the claimant-respondent, resulting in stiffness and difficulty in mobility. Subsequently, Exbt-10, disability certificate issued on 14.07.2022 proved before the Trial Court by P.W.-2 indicates that the earlier disability of 40% was enhanced to 50%, and accordingly, a certificate was issued.

Both certificates were taken on record by the Trial Court and marked as exhibits. However, to the surprise of the appellant-insurance company, the Trial Court treated the temporary disability as permanent, which, according to the appellant, is not permissible in absence of any medical evidence to that effect. It is further contended that Exbt-10 i.e. the disability certificate issued on 14.07.2022 only indicates that the disability of 50% was up to September, 2024 as the certificate was recommended for 2(two) years and 2(two) months. In the said background,

the Trial Court, according to the appellant, cannot indulge in guesswork by holding that the injured claimant has become permanently disabled and award compensation accordingly. The learned counsel further contends that before taking such a decision, the Court below ought to have summoned the concerned Medical Board doctor once again to depose and also to obtain a disability certificate clarifying whether the said disability of 50% is temporary or permanent in nature. Therefore, it is contended that the consequential relief granted pursuant thereto requires re-examination, and the matter needs reconsideration by the Trial Court by giving opportunity to both sides, including leading medical evidence and obtaining a fresh disability certificate, if necessary.

6. To the said argument, Mr. S Datta, learned counsel appearing for the claimant-respondent, in all fairness, submits that they are ready to face the Medical Board, participate in the trial, and cooperate with the judicial proceedings.

7. In view of the above, and upon considering the arguments advanced on behalf of the appellant, this Court finds that there is force in the submissions made. Accordingly, the award passed by the learned Tribunal stands set aside on this point only, and the matter is remanded back for reconsideration in the light of the observations made hereinabove.

8. However, admittedly, it is not the case of the appellant-insurance company that the claimant is not entitled to any compensation. In the present appeal, the appellant-insurance company has admitted that according to its calculation, the compensation comes to around Rs. 2,34,000/- (Rupees two lakhs thirty-four thousand only), instead of Rs. 19,44,000/- as considered by the Trial Court.

9. In view of the admitted fact, for the present, this Court directs the appellant-Insurance Company to deposit a sum of Rs. 2,34,000/-, rounded off to Rs. 2,50,000/-, before the concerned Court within one month from today, and on such deposit, the claimant shall be entitled to withdraw the same unconditionally, in accordance with law.

10. Accordingly, the appeal is disposed of by remanding the matter back. As a sequel, stay, if any, stands vacated. Pending application(s), if any, also stand closed.

DR. T. AMARNATH GOUD, J

Suhanjit
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