

**HIGH COURT OF TRIPURA
AGARTALA**

MAC. App. No.49 of 2025

***The Directorate of Tripura Fire Service and Emergency Services,
Fire Brigade Chowmuhani, Agartala, West Tripura, PIN- 799001
(Owner of Vehicle registration No.TR-01-E-1002 Small car of Fire Service)***

.....Appellant

VERSES

- 1) Sri Samar Kishore Jamatia,**
*S/o Dronajoy Jamatia, resident of Grur Bhakta Para, Garjee R.F,
P.S- R.K Pur, Udaipur, Gomati Tripura*
- 2) Sri Suprakash Jamatia,**
*S/o Sri Samar Kishore Jamatia, resident of Grur Bhakta Para,
Garjee R.F., P.S.- R.K. Pur, Udaipur, Gomati Tripura*
- 3) Sri Alex Jamatia,**
*S/o Sri Samar Kishore Jamatia, resident of Grur Bhakta Para,
Garjee R.F., P.S.- R.K. Pur, Udaipur, Gomati Tripura*

*(The Claimant respondents No.2 & 3 being minors are represented by their
natural guardian father i.e. the claimant respondent No.1)*

.....Claimant Respondents

- 4) Sri Debasish Das,**
*S/o Sukesh Chandra Das resident of village- Chalita Tilla,
P.S.- P.R. Bari, District- South Tripura.*

(Driver of Vehicle registration No.TR-01-E-1002 Small car of Fire Service)

..... Respondent

For the Appellant(s) : Mr. Pradyumna Gautam, Sr. G.A.

For the Respondent(s) : Mr. Arjun Acharjee, Advocate
Mr. Haradhan Sarkar, Advocate

Date of hearing and delivery of
Judgment & Order : 06.02.2026

Whether fit for reporting : NO.

HON'BLE JUSTICE DR. T. AMARNATH GOUD
J U D G M E N T & O R D E R (O R A L)

[1] This present appeal has been filed under Section 173 of the Motor Vehicles Act, 1988 read with Section 168 of the said Act, against the impugned judgment and award dated 03.12.2024 passed by the Motor Accidents Claims Tribunal, Court No.2, Udaipur, Gomati Tripura in case No. T.S.(MAC) 30 of 2022.

[2] The brief facts of the case are that on 03.09.2019 about 17.30 hours while Sunanti Reng along with Dayalti Reang were proceeding towards Garjee Dataram Purba Joliabari from Tuikarma Hospital Quarter Complex by riding vehicle bearing registration no. TR-03-H-8665 and on reaching Birchandranagar padaram Para one vehicle bearing no. TR-01-E-1002 of Fire Service department dashed the Scooty face to face with an excessive speed from the opposite direction and as a result of that, both of them sustained grievous injuries on their parts. They were immediately shifted to Santir bazar Hospital where the attending doctors declared Sunanti Reang dead. After the said accident, a complaint was registered with the O/C of Santir Bazar PS which was registered vide Santir Bazar PS Case No. 50 of 2019, under Sections 279/338/304(A) of IPC. One claim case was filed by the claimant before the MACT, Tribunal No.2, Gomati Judicial District, Udaipur. It was pleaded that Sunanti Reang was a healthy women of 35 years of age and was earning Rs.10,000/- per month as from cultivation and poultry business. It was also alleged by the claimants that the accident occurred due to the rash and negligent driving by the driver of the vehicle bearing registration no. TR-01-E-1002 (Small car of Fire Service). Under the above facts and circumstances the claimant-petitioners prayed before the Court below for granting compensation of ₹21,10,000/- only.

[3] The opposite party (in short referred as the OP) No. 1, appellant herein being the owner of the alleged vehicle bearing registration no. TR-01-E-1002 (Small Car of Fire Service) on receipt of notice appeared

and contested the case by way of filing written statement, denying and disputing the alleged accident and also denied the age, monthly income of the deceased and lastly it was submitted that the alleged accident dated 03.09.2019 occurred due to rash negligent riding of the rider of Scooter bearing no.TR-3H-8665 and the insurer of the alleged vehicle would be solely responsible to make payment of the compensation if any, at all payable in favour of the claimant petitioners. It was further pleaded that the accident took place due to head on collision and both the drivers of both the vehicle should be held responsible to have contributed equally to the accident.

[4] The OP No. 2, respondent no.4 herein, i.e. the driver of the alleged vehicle bearing registration no. TR-01-E-1002 (Small Car of Fire Service), after receipt of notice appeared and contested the case by filing written statement denying and disputing the averments made in the claim petition and also alleged that the Investigating Officer without any physical inspection filed a false Chargesheet. It was also pleaded that rider of the Scooty had no valid driving license and the accident took place due to rash and negligent riding of the rider of the Scooty and hence for the accident dated 03.09.2019, O.P no.2, respondent herein cannot be held responsible.

[5] Upon hearing the parties, the learned tribunal by its judgment and award dated 03.12.2024 in case No. T.S. (MAC) 30 of 2022, decided the case in the following manner:

“.....ORDER

19. In the result, it is hereby ordered that the claimant petitioners are entitled to get compensation of ₹17,77,800/- (Rupees Seventeen lac seventy seven thousand eight hundred) The OP No.1 being owner of the offending motor car bearing Registration No. TR-01-E-1002 is directed to make the payment of compensation in terms of Sec 168(3) of MV Act., 1988, to the claimant-petitioners within 30 (thirty) days from today along with interest thereon @ 7.5% per annum from the date of filing of claim petition dated 06.07.2022 till payment/realization of the same. Both the

claimant petitioner are equally entitled to the said amount of compensation.”

[6] Aggrieved by and dissatisfied with the aforesaid judgment and award dated 03.12.2024 in case No. T.S. (MAC) 30 of 2022 passed by the learned Tribunal, the appellant preferred the instant appeal before this Court seeking the following reliefs:

- “a) Admit the appeal;
- b) Call for the case records from the Learned Tribunal below;
- c) Stay the operation of the impugned judgment and award dated 03.12.2024 passed by the Motor Accidents Claims Tribunal, Court No.2, Udaipur, Gomati Tripura in Case No. T.S.(MAC) 30 of 2022, and the Hon'ble High Court may kindly be pleased to direct the Ld. Tribunal, not to proceed with any execution proceeding if any filed by the claimant respondents in the mean time, till disposal of the present appeal.
- d) After hearing the parties be pleased enough to set aside/quash the impugned judgment and award dated.....”

[7] Mr. P. Gautam, learned Sr. G.A. appearing for the appellant submits before this Court that the driver of the State vehicle (fire service) was not at fault and it was not a case of rash and negligent driving. It is contended that the alleged accident dated 03.09.2019 occurred due to rash negligent riding of the rider of Scooter bearing no.TR-3H-8665 and the insurer of the alleged vehicle would solely be responsible to make payment of the compensation if any, at all payable in favour of the claimants. He, therefore, urges this Court that the liability which has been fastened upon the appellant herein needs to be set aside.

[8] Per contra, Mr. A. Acharjee, learned counsel appearing for the claimant-respondents submits before this Court that this issue has already been decided by the trial court in the light of exhibit -3 *series* more particularly, the charge-sheet. It is also contended that the finding is rightly given against the driver of the offending vehicle by the learned tribunal saying that rash and negligent driving has been taken place and accordingly, learned tribunal held that the owner of the offending vehicle needs to pay the compensation considering the income of the deceased as Rs.9,000/- per

month. He further contends that the deceased was earning from cultivation and poultry business and as per the Notification dated 4th August, 2023 issued by the Registry of High Court of Tripura even in the case of an unskilled worker, notional wages for determination of compensation would be Rs.10,000/- per month and for the skilled worker, it would be fixed at Rs.12,000/- per month. He submits that the learned Court below while awarding the compensation considered the monthly income of the deceased as Rs.9,000/- which is also on the lower side. He, therefore, urges this Court to dismiss the present appeal.

[9] Mr. Gautam, learned Sr. G.A. submits before this Court that the sword of attachment is hanging on their neck and it would not be proper for the appellant to face any adverse orders of attachment or even an action of attachment of the movable properties and therefore, he prays to consider the request directing the learned Tribunal, not to proceed with any execution proceeding filed by the claimant respondents till compliance of the Order of this Court. He further requests that in this financial year i.e. upto 31st March, 2026, it would be a burden on the appellant to settle any compensation to the claimants.

[10] Heard and perused the evidence on record.

[11] Upon hearing the submissions made at the Bar and on consideration of the materials on record, this Court finds no infirmity in the findings and conclusions arrived at by the learned Tribunal. The contention raised by the learned counsel for the appellant that rash and negligent driving on the part of the driver of the alleged State vehicle was not proved, is without merit, as the Tribunal had rightly decided the case on the basis of the evidence and surrounding circumstances, which this Court finds to be reasonable and just. Accordingly, the award passed by the learned Tribunal is hereby affirmed and upheld.

[12] However, considering the request made by Mr. Gautam, learned Sr. G.A. for the appellant that in the financial year 2025-26 i.e. upto

31st March, 2026, it would be difficult for them to settle the compensation, this Court directs that the awarded amount, if not yet disbursed, shall be deposited to the Registry of the High Court of Tripura by the appellant on or before 30th April, 2026. On such deposit, the claimants would be at liberty to withdraw the same as per procedure.

[13] It is also observed that at the time of filing of the present appeal, a statutory amount of Rs.25,000/- was deposited by the appellant. It is open for the appellant either to claim return of the same from the Registry or to adjust the same with the compensation.

[14] It is brought to the notice of this Court by way of filing an IA application (IA No.02 of 2025 in MAC App. No.49 of 2025) for staying the operation of lower court proceeding, that an execution proceeding being Case No. Execution 12 of 2025 in connection with TS(MAC) 30/2022 has been registered and the learned court below by order dated 30.01.2026 directed the judgment debtor, appellant herein to place copy of stay order, if any passed in the instant case on 26.02.2026 before that court. It is needless to observe that in terms of this order in the instant appeal, the said execution proceeding shall stand vacated.

[15] With the above observations and directions, the present appeal stands disposed of. The award dated 03.12.2024 in case No. T.S. (MAC) 30 of 2022 passed by the learned tribunal is hereby affirmed. As a sequel, miscellaneous application(s), pending if any, shall also stand closed.

DR. T. AMARNATH GOUD, J