



HIGH COURT OF TRIPURA
AGARTALA
Mac. App No. 52/2026

1. Sri Ray Mohan Sarkar

S/o Late Chandra Kumar Sarkar.

2. Sri Makhan Sarkar (Das)

S/o Late Chandra Kumar Sarkar , Both are residents of Village- Taranagar
P.S.- Sidhai, Dist- West Tripura.

3. Smt. Suprabha Sarkar

W/o Late Kshir Mohan Sarkar

4. Sri Nirmal Sarkar

S/o Late Kshir Mohan Sarkar

5. Sri Amal Sarkar

S/o Late Kshir Mohan Sarkar

6. Smt. Sumitra Bala Sarkar

D/o Late Kshir Mohan Sarkar , Appellant Nos. 3 to 6 are legal heirs of Late
Kshir Moahn Sarkar and all are residents of Village Ghilatali,
PS.Teliamura District Khowai Tripura.

.... Claimant Appellants

VERSUS

1. Sri Apu Deb

S/o Late Pradip Deb, Resident of Arakata, P.S. Sidhai ,District- West
Tripura. (Owner of Motor Bus bearing No. TR-01-C-1203)

2.The Chief Executive Officer

Tripura Urban Transport Co. Ltd. A.M.C. Building 4th Floor City
Centre Agartala, P.S. West Agartala, Dist. West Tripura. (Owner of
Motor Bus bearing No. TR -01-C-1203)

3.The Divisional Manager,

The Oriental Insurance Co. Ltd. H.G.B. Road Agartala Near Sarkar
Nursing Home P.S. West Agartala, Dist. West Tripura. (Insurer of Motor
BusbearingNo.TR-01-C-1203)

..... Respondents

For Appellant(s) : Mr. P.S Roy, Advocate.
For Respondent(s) : None.

HON'BLE JUSTICE DR. T. AMARNATH GOUD

ORDER

18.05.2026

[1] Heard.

[2] This present appeal has been filed seeking the following reliefs:-

"A. admit this appeal;

B. call for records;

C. issue notice upon the respondents;

D) Pass judgment and award setting aside, canceling and/or reversing the judgment passed by the Ld. Motor Accident Claims Tribunal (Court No.4). West Tripura, Agartala in Case No. T.S. (MAC) 205/2019;

E) Pass judgment and award giving the quantum of compensation which was not awarded by the Ld. Tribunal;

F) Grant such further or other reliefs to which the claimant-appellants may be entitled to."

[3] The brief facts of the claimants' case is that the deceased was 70 years old and she used to rear cows and sell milk and by this way she used to earn monthly amount of 15,000/-. On 20.03.2019 at about 2-30 p.m. when she was returning home from Mohanpur Hospital on foot the offending bus No. TR-01-C-1203 due to rash and negligent driving knocked her down from the back at Modhya Airan Chowmuhani area causing multiple grievous injuries to her. She was taken to Mohanpur Hospital and then referred to AGMC & GBP hospital, Agartala for further treatment. But at 6-00 p.m. she succumbed to her injuries at the said hospital. Thereafter, a case was registered in Sidhai P.S.

[4] The learned tribunal below thereafter passed an order in TS (MAC) No. 205 of 2019, the relevant extracts are as under:-

"14. From the cross-examination of PW-1, it has clearly emerged that two daughters of the deceased, who are her legal representatives and entitled to inherit her estate, have not been impleaded in the present case either as claimants or even as pro forma respondents. It is further evident from the record that the claimants have also not pleaded or proved that the present claim petition has been filed on behalf of all the legal representatives of the deceased and for their benefit. Section 166(1) of the Motor Vehicles Act, 1988 provides that application for compensation may be made by all or any of the legal representatives of the deceased. However, the first proviso to Section

166(1) clearly mandates that where all the legal representatives have not joined in the application, the claim petition must be filed on behalf of or for the benefit of all such legal representatives and the remaining legal representatives must be impleaded as parties. In the present case, neither have all the legal representatives joined as claimants, nor have the remaining legal representatives been impleaded as respondents. Moreover, there is no assertion that the petition has been filed for and on behalf of all the legal representatives.

15. Now, in the absence of all the legal representatives of the deceased being before the Tribunal, and without compliance with the statutory requirement of the first proviso to Section 166(1), the Tribunal is also not in a position in properly assessing and working out the amount of just compensation and in effecting a fair and lawful apportionment thereof.

16. In view of the aforesaid statutory mandate and the facts on record, this Tribunal holds that the present claim petition suffers from non-compliance with the first proviso to Section 166(1) of the Motor Vehicles Act, 1988 and is, therefore, not maintainable in its present form. Accordingly, this issue is decided in the negative.

“ORDER

17. In view of the findings recorded hereinabove, the claim petition is hereby dismissed as not maintainable.

18. Let a copy of this Award be supplied to the claimants free of cost, not later than 15 (fifteen) days from today.”

[5] Being aggrieved and dissatisfied with the order dated 07.02.2026 passed in TS (MAC) No. 205 of 2019, the appellant herein approached this Court for granting the reliefs as prayed above.

[6] Mr. P.S Roy, learned counsel submits before this Court that, section 166 of the Motor Vehicles Act clearly states that by all or any of the legal representative of the deceased can file the claim petition. In this case there are three sons of the deceased who are the claimant petitioners. He further submits that the daughters of the deceased did not want to be involved them in this case. So, they did not added in this case as claimants. But the tribunal below failed to appreciate this matter. He, therefore prays to allow his appeal.

[7] Upon hearing the submissions made at the bar, this Court is of the opinion since the Court below has passed an order holding that two daughters of the deceased, who are her legal representatives and entitled to inherit her estate, have not been impleaded in the present case either as claimants or even as pro-forma respondents. It is also evident from the record that the claimants have also not pleaded or proved that the present

claim appeal has been filed on behalf of all the legal representatives of the deceased and for their benefit.

[8] It is also opined by this Court that first proviso to Section 166(1) clearly mandates that where all the legal representatives have not been joined in the petition, the claim petition must be filed on behalf of or for the benefit of all such legal representatives and the remaining legal representatives must be impleaded as parties.

[9] In view of the above, this Court directs that since the learned tribunal below passed an order observing the mandate as stated above, accordingly, the appellant herein is at liberty to file a fresh case following the observation made in adverse by the tribunal below.

[10] With the above observation and direction, this present appeal is liable to be dismissed. Hence, the same is dismissed.

[11] As a sequel, miscellaneous application, pending if any, also stand closed.

DR. T. AMARNATH GOUD, J

Paritosh

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