

**HIGH COURT OF TRIPURA
AGARTALA
Mac. App No.69/2025**

Sri. Kartik Das

S/O- Surja Das

Resident of: Nidaya, Laltila

P.S-Jatrapur, District:- Sepahijala, State- Tripura

(Owner of the vehicle No. TR 01 A 3147 (Commander Jeep)

.....Appellant

Versus

1. Sri. Manik Ch. Das

S/O- Lt. Gouranga Ch. Das

R/O- Rabindranagar, Near Chandikalibari

P.O-Rabindranagar, P.S- Sonamura

Dist-Sepahijala-799131

.....Claimant-Respondent

2. Reliance General Insurance Co. Ltd.

2nd Floor, 5th Janpath Unit-III Kharvel Nagar, Odisha-751001

(Issuing officer of Insurer of vehicle No. TR01A3147, commander jeep)

Notice to be served of aforesaid insurance company on the following address- Reliance General Insurance Co. Ltd, 5th Floor, Prag Plaza Building, Near Huf Mall, G.S. Road, Bhangagarh, Guwahati-781005.

3. Biswajit Saha

S/o Late Somesh Saha, Resident - Sonamura Tamsabari, PO and PS-Sonamura, District- Sepahijala, Tripura. (Owner of the bike registration No. TR07C6354)

4. Tata AIG General Insurance Company Limited.

Mayer Garden, 3rd Floor, Opp. HDFC Bank, ABC, G.S. Road, Guwahati-781005, (Insurer of bike bearing registration No. TR07C6354)

.....Respondents

For Appellant(s)	:	Mr. Sankar Bhattacharjee, Advocate Mr. S. Noatia, Advocate. Mr. R. Debbarma, Advocate.
For Respondent(s)	:	Mr. D. Kalai, Advocate. Mr. K L Debbarma, Advocate.

HON'BLE JUSTICE DR. T. AMARNATH GOUD

ORDER

30.03.2026

[1] This appeal has been filed under Section 173 of Motor Vehicles Act, 1988 against the Judgment and Order dated 28.01.2025 passed by the learned Member, Motor Accident Claims Tribunal, Sepahijala Tripura, Sonamura in case No.T.S. (MAC) 12 of 2022, seeking the following reliefs :

I. Admit this memo of appeal;

II. Issue notice upon the respondents;

III. Call for the case records vide case no. T.S. (MAC) 12/2022 from the court of Learned Member, Motor Accident Claims Tribunal, Sri P. Kumar, Sepahijala, Sonamura.

AND

IV. After hearing the parties, may please set aside Judgment and award dated 28-01-2025 passed in T.S. (MAC) 12/2022 and may please pass necessary order to record the evidence of the Appellant and would be kind enough to remand back the case T.S. (MAC) 12/2022 to the Ld. Motor Accident Claims Tribunal, Sri P. Kumar, Sepahijala, Sonamura to record the evidence of the appellant and thereafter to pass Judgment and award according to law."

[2] Heard Mr. Sankar Bhattacharjee, learned counsel representing the appellant, the owner of the crime-vehicle which has been insured by Reliance General Insurance Co. Ltd being respondent No.2 herein. Also heard Mr. K L Debbarma, learned counsel appearing for respondent No. 3 being the owner of the two wheeler which is insured with the respondent No.4 i.e. TATA AIG General Insurance Company Ltd. Mr. D. Kalai, learned counsel appears for the claimant-respondent No. 1.

[3] Mr. Sankar Bhattacharjee, learned counsel by way of interlocutory application vide I.A. No. 02 of 2025 filed additional evidence placed on record before this court to appreciate the

evidence stating that the appellant is having valid documents in terms of driving license, route permit and also the vehicle is insured with the respondent No.2. He contends that the said documents were not furnished before the trial Court which fastened the liability upon the appellant and this act was neither willful nor wanton and due to lack of legal procedural knowledge, the appellant herein could not assist the Court as per procedure.

[4] He further contends before this Court that for the *laches* of certain procedures, the appellant cannot be burdened with the liability and the same would not meet the ends of justice. He prays that since, it is a beneficial legislation, the court could have given some opportunity to the appellant being the owner of the vehicle having insurance documents and he should not be penalized.

[5] Heard both sides and perused the evidences on record.

[6] Considering the said submissions made at the Bar, this Court feels that one more opportunity needs to be afforded to the appellant herein since, he is having all relevant documents and for whatever the reason, if he could not furnish the same, burdening the appellant with huge amount of compensation to be paid to the claimant would be harsh and thus, the matter requires a re-consideration by examining the documents.

[7] In view of the same, the present appeal stands allowed and the same is remanded back by setting aside the impugned order dated 28.01.2025 passed in T.S (MAC) No. 12 of 2022 by the learned Trial Court. Both sides are at liberty to place their material/ oral evidences on record and then, Trial Court shall proceed thereafter.

[8] The statutory amount of Rs. 25,000/- filed along with this present appeal be returned to the appellant as per procedure.

[9] With the above observation and direction, the present appeal is remanded back and accordingly, the same is disposed of.

[10] As a sequel, miscellaneous application(s) pending, if any, shall also stand closed.

DR. T. AMARNATH GOUD, J

Paritosh

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GHOSH

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by SABYASACHI
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