

**HIGH COURT OF TRIPURA
AGARTALA**

MAC APP 48 OF 2025

The Divisional Manager, National Insurance Company Limited, A.K.Road, Agartala, P.S. West Agartala, District- West Tripura;

----Appellant(s)

Versus

- 1. Sri Biswaraj Jamatia @ Bishurai**, son of late Ganamani Jamatia, resident of Jamatia Para, Chakchapara, P.S. Melaghar, District- Sepahijala, Tripura;
- 2. Smt. Geeta Rani Jamatia**, wife of Sri Biswaraj Jamatia, C/o Sri Birmani Debbarma, resident of backside of Fire Brigade Station, Syamalibazar, P.S. NCC, Agartala, District- West Tripura;
- 3. The Assets Manager**, ONGC Tripura Assets, Badharghat, P.S. Amtali, District- West Tripura; [owner of Turbo Truck No. TR-01-B-1815] TS(MAC) 140 of 2021;
- 4. Sri Goutam Das**, son of Sri Narayan Chandra Das, Majlishpur, PS. Jirania, District- West Tripura; [driver of Turbo Truck No. TR-01-B-1815]

---- Respondents

For Appellant(s)	:	Mr. Dipankar Sarma, Advocate
For Respondent(s)	:	Mr. P. Ghosh, Advocate

MAC APP 64 OF 2025

- 1. Sri Biswaraj Jamatia @ Bishurai**, son of late Ganamani Jamatia, resident of Jamatia Para, Chakchapara, P.S. Melaghar, District- Sepahijala, Tripura;
- 2. Smt. Geeta Rani Jamatia**, wife of Sri Biswaraj Jamatia, C/o Sri Birmani Debbarma, resident of backside of Fire Brigade Station, Syamalibazar, P.S. NCC, Agartala, District- West Tripura;;

----Claimant-Appellant(s)

Versus

- 1. The Assets Manager**, ONGC Tripura Assets, Badharghat, P.S. Amtali, District- West Tripura; [owner of Turbo Truck No. TR-01-B-1815] TS(MAC) 140 of 2021;
- 2. Sri Goutam Das**, son of Sri Narayan Chandra Das, Majlishpur, PS. Jirania, District- West Tripura; [driver of Turbo Truck No. TR-01-B-1815]
- 3. The Divisional Manager**, National Insurance Company Limited, A.K.Road, Agartala, P.S. West Agartala, District- West Tripura;

---- Opposite Party-Respondents

For Appellant(s)	:	Mr. Samar Das, Advocate
For Respondent(s)	:	Mr. D. Sarma, Advocate Mr. P. Ghosh, Advocate

MAC APP 95 OF 2025

The Divisional Manager, National Insurance Company Limited, A.K.Road, Agartala, P.S. West Agartala, District- West Tripura;

-----Appellant(s)

Versus

- 1. Sri Bapan Jamatia,** son of Sri Biralal Jamatia, resident of Indrakumar Para, P.O. Takchapara, P.S. Melaghar, District- Sepahijala, Tripura;
- 2. The Assets Manager,** ONGC Tripura Assets, Badharghat, P.S. Amtali, District- West Tripura; [*owner of Turbo Truck No. TR-01-B-1815*] TS(MAC) 140 of 2021;
- 3. Sri Goutam Das,** son of Sri Narayan Chandra Das, Majlishpur, PS. Jirania, District- West Tripura; [*driver of Turbo Truck No. TR-01-B-1815*]

-----Respondent(s)

For Appellant(s)	:	Mr. D. Sarma, Advocate
For Respondent(s)	:	Mr. S. Das, Advocate Mr. P. Ghosh, Advocate
Date of hearing & delivery of Judgment & Order	:	19.02.2026
Whether fit for reporting	:	Yes / No

BEFORE
HON'BLE JUSTICE DR. T. AMARNATH GOUD
Judgment & Order (Oral)

- 1.** All the above appeals have been taken up together for hearing, since the same are based on similar set of facts and involve common question of laws and also arise out of a common accident, to avoid rigmarole, are decided by this common judgment with the consent of learned counsel appearing for the parties.
- 2.** Appeal being *MAC App. 48 of 2025* has been preferred by the appellant- National Insurance Company Limited challenging

the award dated 19.02.2025 passed by the Motor Accident Claims Tribunal, Court No.4, West Tripura, Agartala in case No. T.S. (MAC) 140 of 2021 praying for dismissal of the award.

Appeal being *MAC App 64 of 2025*, has been preferred by the claimant-appellants challenging the award dated 19.02.2025 passed by the Motor Accident Claims Tribunal, Court No.4, West Tripura, Agartala in case No. T.S. (MAC) 140 of 2021 praying for enhancement of the awarded amount.

Appeal being *MAC App 95 of 2025*, has been preferred by the appellant- National Insurance Company Limited challenging the award dated 13.05.2025 passed by the Motor Accident Claims Tribunal, Court No.2, West Tripura, Agartala in case No. T.S. (MAC) 146 of 2021 praying for dismissal of the award.

2. Heard Mr. D. Sarma, learned counsel appearing for the appellant-Insurance Company. Also heard Mr. P. Ghosh, learned counsel appearing for the claimant-respondents.

3. The facts of the case as projected by the learned trial court, herein, are as under:

"In T.S.(MAC) 140 of 2021:

The claimants who are the bereaved parents of the deceased Sukhen Jamatia, aged 22 years of age are before this Tribunal under Section 166 of the MV Act with prayer for grant of compensation to the tune of ₹ 8 lakh due to the death of their son in motor vehicle accident. Brief resume of the case of the claimants is that on 24.07.2021 after attending a wedding ceremony at Bagma as a folk singer, the deceased was returning to Bishramganj with his friend Sri Bapan Jamatia by riding motor cycle No. TR-01-7408. On their way they found the offending truck No. TR-01-B-1815 going ahead of them. In order to overtake said truck, the deceased went on blowing horn, but the truck driver for 3 k.m. did not give any way.

At Itakhola the truck driver gave signal allowing overtaking his truck and when the bike reached middle part of the truck, the truck driver all of a sudden moved the truck towards right and collided with the motor cycle. This resulted fall of the deceased and his friend on the road and serious injuries to them. Both of them were shifted to Bishramganj hospital where the son of the claimants was declared dead and the bike rider was referred to AGMC & GBP hospital, Agartala and on information from the attending doctor, Bishramganj P.S. case No. 7 of 2021 also got registered. It is further averred that the deceased was a trained motor mechanic and was skilled in manufacturing traditional garments. He was a folk singer too. From all such profession he used to earn a monthly sum of ₹ 75,000/- and both the claimants were dependent on the income of the deceased.”

"In T.S.(MAC) 146 of 2021:

On 24.07.2021 the claimant petitioner was returning home from Bagma towards his house at Takchapara by riding a motor cycle bearing registration No. TR-01-7408 of his friend as a pillion rider and at that one Cargo Truck vehicle bearing registration No. TR-01-B-1815(hereinafter called the offending vehicle) which was being driven by its driver with excessive speed in a rash and negligent manner and when reached at Itakhola, the driver of the offending vehicle dashed the motor cycle as a result a serious accident occurred and claimant petitioner sustained grievous bleeding injuries on his persons. Immediately after the accident claimant petitioner was brought to Bishramganj PHC and from there he was referred to AGMC & GBP Hospital, Agartala for his proper treatment. It is further claimed that claimant petitioner was admitted in the GBP Hospital as an indoor patient and he was a motor mechanic and due to the accident claimant petitioner lost his earning capacity. It is asserted in the claim petition that the rider of the motor bike died due to the said accident. Later on petitioner filed a complaint case before the SDJM, Bishalgarh which was sent to Bishramganj PS.

- 4.** On receipt of the claim application, the appellant-insurance company as well as the claimant-respondents, by filing their respective written statement contested the claim application.

All the witnesses were examined and cross-examined and the documents were also taken into consideration by the learned trial Court.

Following the settled principles of law, the learned Tribunal has quantified the compensation to the tune of Rs. 16,32,000/- along with interest @7.5% per annum from the date of filing of the claim application till the date of actual realization in T.S. (MAC) 140 of 2021, and also awarded compensation to the tune of Rs.40,000/- along with interest @7.5% per annum from the date of filing of the claim application till the date of actual realization in T.S. (MAC) 146 of 2021 .

Being aggrieved by and dis-satisfied with the said award dated 19.02.2025 passed by the learned Tribunal in T.S. (MAC) 140 of 2021 and award dated 13.05.2025 passed by the learned Tribunal in T.S. (MAC) 146 of 2021, these appeals are being preferred with certain and respective reliefs.

4. Mr. D. Sarma, learned counsel appearing for the appellant-insurance company has submitted that the accident took place due to negligence on the part of the claimant-respondents. Learned counsel for the appellant has further submitted that the claimant-victims have not followed the mandates of Motor Vehicles Act. Learned counsel has also submitted that learned trial court without taking into consideration the driving license of the TR-01-7408 has passed the impugned judgment and award. Learned counsel has also raised the question of non-joinder of necessary party. Learned counsel has also submitted that the amount of

compensation is in the higher side and has prayed for setting-aside the impugned award.

5. Per contra, learned counsel for the claimant-respondents in MAC Appeal 64 of 2025 has submitted that the victim has succumbed to his injuries due to rash and negligence of the offending vehicle bearing registration No. TR-01-B-1815. Learned counsel for the claimant respondent in MAC Appeal 95 of 2025, has submitted that the injuries sustained by the claimant-respondent is grievous in nature which has been caused due to negligence of the offending vehicle bearing registration No. TR-01-B-1815. Learned counsel for the claimant-respondents unanimously have submitted that on the basis of oral and documentary evidence, learned trial Court has rightly assessed the compensation and urged to maintain with the findings of the learned Tribunal.

6. I have perused the entire record including the award passed by the learned Tribunal.

7. It is not in dispute that on the alleged date and time, there was an accident and out of the alleged accident, the claimant-respondent Sukhen Jamatia had died out of a road traffic accident, which has also been supported by post mortem report (Exbt. 3 to 3/2). Further, from the deposition of Bapan Jamatia (claimant respondent in MAC Appeal 95 of 2025), it is revealed that he is an eye witness to the alleged accident and out of the said accident he has also sustained grievous injuries which is supported by medical evidence (Exbt. 4 series). Further, from the police papers, it is transpires that Sukhen Jamatia died out of the

road traffic accident and Bapan Jamatia also sustained injuries out of the similar accident which involves the offending vehicle being TR-01-B-1815. This court further opines that it was the obligation of the appellant-insurance company to examine the Investigating Officer in course of trial to corroborate his findings in the final report, but the same is found to be absent, similar the deposition of Bapan Jamatia, could not be shaken by any means by the appellant-insurance company. Thus, the learned tribunal has rightly assessed the compensation holding the appellant liable to pay the compensation.

8. From the entirety, this court is of the view that the appellant-insurance-company cannot escape from the liability of paying the compensation to the claimant-respondents. This court is of the view that the assessment of compensation by the learned Tribunal below is just and proper and the appellant-insurance company is liable to make the compensation to the claimant-respondents, as decided by the learned Tribunal. Accordingly, it is made clear that the findings of the learned Tribunal regarding entitlement of the claimant-respondents to receive the compensation shall not be interfered with.

9. In view of the above, the appeals filed by the appellant-insurance company stand dismissed. Consequently, the findings of the learned Tribunal in its judgments dated 19.02.2025 is hereby confirmed. 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-insurance company at the

time of filing of the appeal, as per procedure. However, it is made clear that on such deposit, the claimant-respondents would be at liberty to withdraw the same in terms of the conditions as laid down in the award rendered by the learned Tribunal. Pending application(s), if any, also stands disposed.

JUDGE



**SAIKAT
KAR**

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