

**HIGH COURT OF TRIPURA
AGARTALA**

MAC APP 125 OF 2025

National Insurance Company Limited, represented by its Divisional Manager, Division Office at 44/2 Central Road, Agartala, West Tripura, bearing Policy No. 20300031206067 60014146, period of insurance from 26.10.2020 to midnight of 25.10.2021.

(Insurer of the offending motor vehicle bearing registration No. TR-01-A-2195, commander jeep)

-----Appellant(s)

Versus

1. Sri Krishnadhan shil, son of Sri Sentu Kumar Shil, resident of Manaipathar, near bazaar, P.S. Jatrapur, District- Sepahijala, Tripura.

... Claimant Respondent

2. Kamal Uddin, son of Fazal Haque, resident of Uttar Manaipathar, P.S. Jatrapur, District- Sepahijala, Tripura (owner of the offending vehicle bearing registration No. TR-01-A-2195)

-----Opposite party-Respondent

For Appellant(s)	:	Ms. R. Purkayastha, Advocate
For Respondent(s)	:	Ms. M. Majumder, Advocate Mr. A. Pal, 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)**

This is an appeal preferred by the appellant- National Insurance Company Limited challenging the award dated 28.11.2024 passed by the Motor Accident Claims Tribunal, Sepahijala District, Sonamura in case No. T.S. (MAC) 22 of 2022 praying for dismissal of the award to the tune of Rs. 2,95,071/- only alongwith interest @8% per annum w.e.f. the date of filing of the claim petition i.e. 06.05.2022.

2. Heard Ms. R. Purkayastha, learned counsel appearing for the appellant-Insurance Company. Also heard Ms. M. Majumder, learned counsel and Mr. A. Pal, learned counsel appearing for the claimant-respondent.

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

"On 26.02.2021 at noon at about 2.30 to 3.00 hours when the claimant petitioner namely Krishnadhan Shil, the claimant respondent herein, by riding his motor bike bearing registration No.TR07B-8221 (Glamour) was proceeding towards Manaipathar from Kathalia market with his motor bike and when he reached in front of Manaipathar BBI Brick Industry, at that time one vehicle bearing No.TR01A-2195 (Commander jeep) which was coming from opposite side with high speed and dashed claimant's motor bike and as a result the claimant petitioner fell down on the ground and received bleeding injury on his head and different parts of his body. It was also alleged that the accident took place due to rash and negligent driving by the offending vehicle bearing registration No.TR01A-2195, Commander jeep by its driver. It was the case of the claimant that with regard to the said accident, a police case was also registered. Finally, the claimant petitioner claimed compensation to the tune of Rs.12,00,000/-only on different heads along with interest from the date of accident till the date of payment."

4. On receipt of the claim application, the appellant-insurance company as well as the claimant-respondent, by filing their respective written statement contested the claim application. In course of the proceeding, the claimant-respondent examined his witnesses and exhibited some documents. On the other hand,

the appellant also proved certain documents. The OP-respondent also deposed before the learned Tribunal.

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. 2,95,071/- along with interest @8% per annum from the date of filing of the claim application till the date of actual realization.

Being aggrieved by and dis-satisfied with the said award dated 28.11.2024 passed by the learned Tribunal in T.S. (MAC) 22 of 2022, the insurance company has preferred this appeal with the following reliefs:

- "a) Admit the appeal;**
- b) Call for the records from the Id. Tribunal below;**
- c) issue notice upon the respondents, and;**
- d) after hearing the parties would further be pleased enough to quash /set aside that part of the impugned award dated 28.11.2024 passed by the Ld. Motor Accidents Claims Tribunal, Sri P. Kumar, Sepahijala District, Sonamura in T.S. (MAC)22/2022 whereby the Ld. Tribunal below has most illegally and arbitrarily awarded compensation of Rs.2,95,071/-(Rupees Two Lakhs ninety five Thousand seventy one) only with interest @ 8% per annum from 06.05.2022 i.e. from the date of filing of the claim petition till the date of realisation to the Claimant Respondents to be paid by the Noticee Appellant, the insurer of vehicle No. TR-01-A-2195. Commander Jeep; and further be pleased enough to stay the operation of the impugned award till final disposal of the appeal, otherwise the appellant would be highly prejudiced."**

4. Ms. Purkayastha, learned counsel appearing for the appellant-insurance company has submitted that the accident took place due to negligence on the part of the claimant-respondent. Learned counsel for the appellant has further submitted that the claimant-victim has not suffered any disability arising out of the said accident and there is no reason for awarding compensation under the head of future treatment, loss of income and pain and

suffering. 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-respondent 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 sustained injuries, which has also been supported by medical evidence (Exbt. P/2 series). From the medical summary Exbt. P/4 and P/5), it is revealed that the claimant-respondent has undergone a prolong treatment under various hospitals and private doctors. From the medical document, it also transpires that stitches were given on the right side of the head of the claimant-respondent. It further transpires that the claimant-respondent has to undergo treatment for a further period of time, and due to the injuries sustained he has sustained serious hamper to his income. From the discharge certificate it is evident that the claimant -respondent during treatment at AGMC & GBP hospital has to keep attendant for which he has to incur a certain amount. From Exhibit P/5, P/6, P/7 and P/8, it is also evident that the claimant-respondent has to attend Bangaluru for his neuro treatment, as referred. Further, from Exhibit P/1 series i.e. the

police papers, it is transpired that charge-sheet was filed against the driver of the offending commander jeep of which the appellant is the insurer. 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-respondent. 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-respondent, as decided by the learned Tribunal. Accordingly, it is made clear that the finding of the learned Tribunal regarding the entitlement of the claimant-respondent to receive the compensation to the tune of Rs.2,95,071/- shall not be interfered with. However, in so far as the interest is concerned, this court is fixing 7.5% interest considering as reasonable invariably in all cases. Accordingly, the compensation amount of Rs.2,95,071/- is alongwith interest @7.5% per annum w.e.f. from the date of filing of the claim petition till its actual payment. 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 at the time of filing of the appeal, as per procedure.

However, it is made clear that on such deposit, the claimant-respondent would be at liberty to withdraw the same in

terms of the conditions as laid down in Order dated 28.11.2024 passed in T.S.(MAC)22 of 2022.

9. In view of the above, the appeal preferred by the appellant-insurance company is modified to the extent as indicated above. Accordingly, the appeal stands partly allowed and thus disposed. Pending application(s), if any, also stands disposed.

JUDGE



**SAIKAT
KAR**

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