

TRHC010011032025

2026:THC:606



**HIGH COURT OF TRIPURA
AGARTALA
MFA(EC) NO.06 OF 2025**

ICICI Lombard General Ins. Co. Ltd.,
Represented by its
Branch Manager,
GRS Tower, Old RMS Chowmuhani,
P.S. West Agartala, Agartala West Tripura, Pin 799001.
(Insurer of Vehicle bearing Registration
TR-01-E-2567, Magic)

..... Appellant(s)

Versus

1) Md. Tajul Islam,
S/o Tayeb Ali,
Resident of Village - Telkajla,
P.S- Melaghar, District - Sepahijala, Tripura.

----Claimant-Petitioner-Respondent.

2) Md. Abdul Sattar,
S/o Late Golam Hussain, resident of Village Madhuban,
P.S- Sonamura, District - Sepahijala, Tripura.

(Owner of the vehicle No. TR-01-E-2567, [Magic] and employer of the
petitioner).

----Owner Respondent.

For the Appellant(s) : Mr. R. Saha, Advocate.

For the Respondent(s) : Mr. P.K. Pal, Advocate.
Mr. S. Datta, Advocate.
Mr. S. Baidya, Advocate.
Mr. K. Mandal, Advocate.
Ms. M. Majumder, Advocate.
Ms. M. Chanda, Advocate.
Mr. A. Pal, Advocate.

Date of hearing and delivery of
Judgment & Order : 14.05.2026.

Whether fit for reporting : YES/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. The present appeal has been preferred by the appellant-Insurance Company challenging the judgment and award dated 15.05.2024 passed by the learned Commissioner, Employees' Compensation, West Tripura, Agartala in T.S. (E.C.) No.07 of 2015, whereby compensation amounting to Rs.7,37,750/- along with interest @ 12% per annum from 05.10.2013 till realization was awarded in favour of the claimant-respondent under the Employees' Compensation Act, 1923.

2. The case of the claimant-respondent before the learned Commissioner was that on 04.09.2013, while he was working as driver of vehicle bearing registration No.TR-01-E-2567 (Magic) under the owner-respondent, he met with a road traffic accident near Dhaliahat Master Para under Sonamura Police Station when another vehicle coming from the opposite direction allegedly dashed against his vehicle in a rash and negligent manner, causing grievous injuries to him. The claimant was initially treated at Melaghar Sub-Divisional Hospital and thereafter referred to AGMC & GBP Hospital, Agartala, where he underwent treatment including surgery on his left leg. Subsequently, the Medical Board assessed his permanent physical disability at 45%.

3. Claiming that the accident had occurred during and in the course of his employment and that he was earning Rs.7,500/- per month as driver, the claimant filed an application under Sections 3 and 4 of the Employees' Compensation Act claiming compensation. The appellant-Insurance Company contested the claim by denying the employer-employee relationship, the manner of accident and its liability, while the owner-

respondent also disputed the involvement of the vehicle in the alleged accident, though admitting that the vehicle was insured with the appellant company.

3. Upon consideration of the evidence adduced by the parties, the learned Commissioner allowed the claim petition and directed the appellant-Insurance Company to pay the awarded compensation.

4. Aggrieved thereby the appellant has filed this appeal to set aside/quash and modify the impugned judgment and award.

5. Heard Mr. R. Saha, learned counsel appearing for the appellant-Insurance Company as well as Mr. S. Datta, learned counsel appearing for the respondents.

6. Mr. Saha, learned counsel appearing for the appellant-Insurance Company submitted that the learned Commissioner below had erred in fastening liability upon the appellant despite there being no cogent evidence to establish the employer-employee relationship between the claimant and the owner of the vehicle. It was contended that no appointment letter, salary document or independent evidence was produced by the claimant in support of his alleged employment or monthly income of Rs.7,500/-. Learned counsel further argued that even the owner had disputed involvement of the vehicle in the alleged accident and, therefore, the findings returned by the learned Commissioner were unsustainable in law. Stating thus, learned counsel urged this Court to allow this appeal.

7. On the other, Mr. S. Datta, learned counsel appearing for the claimant-respondent supported the impugned judgment and award passed by the learned Commissioner and contended that in cases involving drivers engaged in private commercial vehicles, formal appointment letters or documentary proof of employment are ordinarily not maintained and, merely because no such document was produced, the claim of employment cannot be discarded. Learned counsel further submitted that the claimant had sustained injuries during the course of and arising out of his employment and the learned

Commissioner, upon proper appreciation of the oral and documentary evidence, had rightly awarded compensation in accordance with law. Accordingly, it was urged that the appeal being devoid of merit is liable to be dismissed

8. After hearing learned counsel appearing for the parties and upon perusal of the evidence available on record, this Court is of the considered opinion that the employer-employee relationship between the claimant and the owner of the vehicle stood sufficiently established and the same has not been effectively rebutted by the appellant by leading any cogent evidence. Merely because the claimant failed to produce any formal appointment letter or documentary proof of employment as driver of a private commercial vehicle, the relationship between the owner and driver cannot be disbelieved, particularly when such engagements are often informal in nature. The learned Commissioner, upon proper appreciation of the oral and documentary evidence adduced by the parties, rightly arrived at the finding that the claimant had sustained injuries during and in the course of his employment. This Court does not find any perversity, illegality or infirmity in the impugned judgment and award warranting interference of this Court.

9. Accordingly, the impugned order dated 15.05.2024 stands affirmed and the present appeal stands dismissed. As a sequel, stay if any stands vacated. Pending application (s), if any also stands closed.

DR. T. AMARNATH GOUD, J