

**HIGH COURT OF TRIPURA
AGARTALA
MAC APP 97 OF 2025**

The Oriental Insurance Company Limited,
A company registered under the Companies Act, 1956,
represented by the Assistant Manager cum Officer in Legal
Hub/Authorized Signatory, Agartala Division Office, HGB
Road (near Sarkar Nursing Home), Agartala, West Tripura.
----- **Appellant(s)**

Versus

- 1. Sri Amarendra Debbarma,** son of Sri Rati Ranjan Debbarma, resident of Bhakta Para, Padmabill, P.S. Khowai, District- Khowai, Tripura.
- 2. Smt. Debalaxmi Debbarma,** wife of Sri Amarendra Debbarma, resident of Bhakta Para, Padmabill, P.S. Khowai, District- Khowai, Tripura.

.... **Claimant-Respondents**

- 3. Sri Bahirmay Debbarma,** son of Sri Biswamani Debbarma, Kalyanmanik Para, Chankhala, P.S. Khowai, District- Khowai Tripura (Owner-cum Rider of the offending vehicle bearing registration No. TR-01-T-7846, Pulsar motor-cycle)

----- **Respondent**

For Appellant(s)	:	Mr. B. Majumder, Advocate
For Respondent(s)	:	Mr. S. Bhattacharjee, Advocate
Date of hearing & delivery of Judgment & Order	:	02.02.2026
Whether fit for reporting	:	Yes / No

**BEFORE
HON'BLE JUSTICE DR. T. AMARNATH GOUD
Judgment & Order (Oral)
02/02/2026**

This is an appeal preferred by the appellant- Insurance Company Limited challenging the judgment and award dated 21.05.2025 passed by the Motor Accident Claims Tribunal, Khowai, Tripura, in case No. T.S. (MAC) 12 of 2020 praying for dismissal of the award to the tune of Rs. 20,09,400/- only alongwith interest @9% per annum to be paid within sixty days from the date of passing of the award.

2. Heard Mr. B. Majumder, learned counsel appearing for the appellant-Insurance Company, and Mr. S. Bhattacharjee, learned counsel, appearing for the claimant-respondents.

3. Fact of the case, as projected by learned trial court, is as under:

“On 08.09.2014, Brijesh Debbarma (now deceased), after attending a Shradhya ceremony in his house, started his journey as a Pillion rider by boarding the motor-cycle bearing no.TR01-T-7846, (Pulsar) belonging to his friend Bahirmoy Debbarma, who also was its rider at the relevant point of time. It is alleged that at about 6:25 PM, when they reached the Subalsingh bridge on Khowai - Agartala road, suddenly Opp. Party no.1, Bahirmoy Debbarma, lost his control and dashed the motor-cycle on the side railing of the bridge and Bahirmoy Debbarma. It is stated that Bahirmoy somehow managed to save himself, but the victim Brijesh Debbarma fell down and rolled downwards on the bank of the chhara (stream). After having noticed that the victim was in serious condition with severe injuries and unconscious, the Opp. Party no.1, became nervous and presumed that Brijesh might have died and before anybody could arrive and to conceal his presence at the spot, he fled away with his motor-cycle towards his house at Lankapura, Kalyanmanik para. On the next morning, local people recovered the victim by the side of the Chhara in a senseless condition and shifted him to Mohanpur Hospital, Sidhai with the help of Fire Service, where-after he was referred to the GBP Hospital, Agartala. But in the night on 11.09.2014, at about 9:45 PM, the victim succumbed to his injuries, while under treatment at GBP hospital. The claimant-petitioners stated that subsequently, inquest was conducted by Police of GB, TOP and postmortem examination was also conducted at the GBP Hospital morgue, where-after the dead body was handed over to them. It is stated that the attending Doctor opined that the cause of death was coma due to head injury. The claimant-petitioners also

contended that at the time of the accident, the deceased was only 19 years old and used to earn Rs.20,000/- per month, as he had a business of Poultry. A criminal Case in this regard, is also stated to have been registered vide Khowai PS Case No.96/14, dt. 10.09.2014, U/Ss-341/325 of the IPC on the basis of the ejahar filed by the claim-petitioner no.1 and after completion of investigation, Police filed charge-sheet against the Opp. Party no.2, for having found a prima-facie Case established against him U/Ss-279/304 (Part-II) of the IPC read with Sec-184/181/185 of the M.V. Act. Thus, on the basis of the above facts, the claimant-petitioners herein, filed this application setting a total claim of Rs.40,45,000/- as compensation.

On receipt of the claim application, the appellant-insurance company as well as the owner of the vehicle by filing their respective written statements contested the claim application.

All the witnesses were examined and cross-examined and the documents, submitted by parties to the claim petition were also taken into consideration by the learned trial Court.

Following the settled principles of law, the learned Tribunal has quantified the compensation to be paid to the claimant-respondent to the tune of Rs. 20,09,400/- along with interest @9% per annum from the date of filing of claim application till the date of realization.

Being aggrieved by and dis-satisfied with the said judgment and award dated 21.05.2025 passed by the learned Tribunal in T.S. (MAC) 12 of 2020, the appellant-insurance company has preferred this appeal with the following reliefs:

- "a) Admit the appeal;**
- b) Issue notice upon the respondents;**
- c) Call for the records of case from the Motor Accident Claims Tribunal, Khowai, Tripura, in Case No. T.S.(MAC) 12 of 2020;**

d) Stay the operation of the impugned judgment and award dated 21.05.2025 passed by the Ld. Member, Motor Accident Claims Tribunal, Khowai, Tripura, in Case No. T.S.(MAC) 12 of 2020;

d) After hearing the parties at length, be pleased enough to dismiss/set aside/quash the impugned judgment and award dated 21.05.2025, passed by the Ld. Member (Namely Sri V.P. Debbarma), Motor Accident Claims Tribunal, Khowai, Tripura, in Case No. T.S.(MAC) 12 of 2020."

4. Mr. Majumder, learned counsel appearing for the appellant-insurance company has argued that the award is in the higher side. Learned counsel has further argued that the due to a quarrel between the deceased and the OP-owner the accident took place and the complaint was filed by father of the deceased i.e. claimant-respondent No.1, but the police treated the same as a case arising out of motor vehicle accident. Learned Counsel has also argued that the learned trial court awarded Rs.1 lakh under the head of love and affection towards the father of the deceased i.e. the claimant respondent No.1 and also questioned the legality of awarding Rs.25,000/- as litigation cost and imposition of interest @9% per annum. Ld. Counsel has also submitted that learned tribunal without properly appreciating the injuries and the profession of the deceased has assessed such award, which is required to be interfered with.

5. Mr. Bhattacharjee, learned counsel for claimant respondents has submitted that the award passed by the learned tribunal is just and fair, which requires no interference.

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

7. On careful perusal of the record, it is evident that the accident occurred due to rash and negligent driving of the driver of the offending vehicle which fact also is well established from the

prosecution papers submitted by the police. Deposition of the prosecution witnesses, also reveals that the deceased died due to the injuries sustained out of a road traffic accident which took place on the alleged date and time. However, as per as the issue of awarding compensation under the head of love and affection in favour of the parents of the deceased is concerned, this court is of the view that the same should be reasonable and not bonanza.

8. Upon consideration of the totality of facts and circumstances, this Court is of the view that the award under the head of 'love and affection' is on the higher side, hence, the same is interfered with. The deceased died out of the road traffic accident in the year 2014 and it is 2026. This court feels it necessary to increase 5% of the awarded amount in every alternate 3(three) years, which comes to Rs.48,000/- to be awarded to each of the parent. Accordingly, this court reduces the amount of Rs.1 lakh to Rs.96,000/- i.e. Rs.48,000/- to each parent under the head of 'love and affection'. 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 shall carry interest @ 7.5% per annum w.e.f. from the date of filing of the claim petition till its actual payment. However, this court does not find any ground to warrant an interference with the remaining portion of the impugned judgment and award, and the same remains unaltered. The appellant-insurance company shall deposit the entire amount, if not paid, with the Registry of this Court within 1(one) months from today.

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 Order dated 21.05.2025 passed in T.S.(MAC)12 of 2020. Registry shall adjust Rs.25,000/- which was submitted by the appellant at the time of filing of the appeal, as per procedure.

9. Consequently, the appeal preferred by the appellant-insurance company stands partly allowed to the extent as indicated above. Pending application(s), if any, also stands disposed.



JUDGE

**SAIKAT
KAR**

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