

**HIGH COURT OF TRIPURA
AGARTALA
MAC APP 103 OF 2025**

The Branch Manager, The Oriental Insurance Company Limited,
Rajbari, P.S. Dharmanagar, District- North Tripura;

---- Appellant(s)

Versus

1. Smt. Rita Rani Biswas, wife of late Debashish Biswas,
resident of Dewanpasha, P.S. Dharmanagar, District- North
Tripura;

2. Sri Debdut Biswas, son of late Debashish Biswas, resident
of Dewanpasha, P.S. Dharmanagar, District- North Tripura;

3. Sri Rajdoot Biswas, wife of late Debashish Biswas, resident
of Dewanpasha, P.S. Dharmanagar, District- North Tripura;

-----Claimant-Respondents

4. Sri Raju Nath @ Sujit, son of Sri Sitangshu Nath, resident
of West Radhapur, P.S. Dharmanagar, District- North Tripura, Pin-
799250;

(rider of the offending vehicle)

5. Sri Prasenjit Malakar @ Rupak, son of late Nipendra
Malakar, resident of Tulgaon, Ichailalcherra, P.S. Kadamtala,
District- North Tripura, Pin-799250;

(owner of the offending vehicle)

----- Respondents

For Appellant(s) : Mr. Karnajit De, Advocate

For Respondent(s) : None

Date of hearing & delivery : **05.02.2026**
of Judgment & Order

Whether fit for reporting : **Yes / No**

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

05/02/2026

This is an appeal preferred by the appellant-insurance
company challenging the impugned judgment and award dated
24.06.2025 passed by the Id. Motor Accident Claims Tribunal,
North Tripura, Dharmanagar, in case No. T.S. (MAC) 10 of 2023,
praying for dismissal of the award to the tune of Rs. 16,30,000/-

only alongwith interest @8% per annum w.e.f. the date of filing of the claim petition i.e. 17.08.2023, till realization of the same..

2. Heard K. De, learned counsel appearing for the appellant. Despite receipt of notice, there is no representation from the respondents.

3. The facts of the case, in a short compass, is that, on 29.01.2022, the deceased, Debashish Biswas was returning to his home situated at Dewanpasha on foot and at about 6.15 p.m. when he reached at Garjantilla near a culvert, the offending numberless motorcycle being driven rashly and negligently suddenly dashed him from his back side resulting which he fell on the road and sustained severe injuries on her person. After the accident, he was shifted to Dharmanagar District Hospital, but in course of treatment, he succumbed to his injuries. On to that issue, the appellants had claimed Rs.23,30,000/- as compensation under different heads.

On receipt of the claim application, both the appellant-insurance company and the respondent-owner by filing their respective written statements contested the claim application denying the averments of the appellants brought forth in the claim petition. In course of the proceeding, witnesses were examined and cross-examined and some documents were exhibited. No evidence, either oral or documentary, was adduced by the insurance company.

The Tribunal, after analyzing the entire evidence on record, passed an award for a sum of Rs.16,30,000/- as compensation along with interest @8% per annum from the date

of filing of the claim application till the date of actual realization imposing some other withdrawal conditions, and directed the Insurance Company to make the payment within 30 days from the date of passing of the judgment and award.

Being aggrieved by and dis-satisfied with the said award dated 24.06.2025 passed by the learned Tribunal in T.S. (MAC) 10 of 2023, the appellant-insurance company had preferred this appeal.

4. Mr. De, learned counsel appearing for the appellant, has contended that the compensation awarded by the learned Tribunal is not in accordance with law. Learned counsel further contended that the learned Tribunal has not properly assessed the income of the deceased. It is further contended that the owner of the shop where the deceased was claimed to perform his job was not examined as witness on the contrary only a certificate showing the income of the deceased has been submitted. Learned counsel further urged this court to reduce the monthly income of the deceased since the same has been assessed whimsically and also prayed for reducing the rate of interest.

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

7. On bare perusal of the record, evidently it is well established that there is no pleading or evidence of the owner of the shop to substantiate the income of the deceased. None of the claimant-respondents had examined the owner of the shop during trial where the deceased used to work. Thus, it can safely be said that the profession of the deceased was not established. The

certificate (Exhibit-15) thus is not supported by any cogent documentary or oral evidence. In absence of any documentary proof to substantiate salary of the victim, it would not be appropriate to consider the salary claimed by the claimants at Rs. 15,000/- per month. The Tribunal has further erred in law in holding the rate of interest @8% per annum. Thus, in view of this court, the assessment of the learned trial Court regarding income of the deceased and the rate of interest, is liable to be interfered with.

8. Thus, having examined the facts and circumstances of the present case, the monthly income of the deceased is reduced to Rs.12,000 per month from Rs.15,000/- per month. 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 shall carry 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.

9. It is made clear that all other statutory benefits, as awarded by the learned tribunal shall remain unaltered, and the same are affirmed accordingly.

10. It is made clear that after calculating the award afresh, the insurance company shall deposit the entire amount with the Registry of this Court within 1(one) months from today, if not already deposited. Registry shall adjust or refund Rs.25,000/-, the statutory amount, which was deposited by the appellant at the time of filing of the appeal, as per procedure.

11. 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 24.06.2025 passed in T.S.(MAC)10 of 2023.

12. In the result, the judgment and award dated 24.06.2025 is interfered with to the extent as indicated above, and the appeal, therefore, stands allowed in-part.

Pending application(s), if any, also stands disposed.

JUDGE



SAIKAT KAR

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