

**HIGH COURT OF TRIPURA
AGARTALA
MAC APP 99 OF 2025**

1. Sri Anil Debnath, son of It. Iswar Debnath, resident of Totabari, P.S. Kalyanpur, District- Khowai, Tripura, *presently residing at* Ranirbazar, P.S. Ranirbazar, District-West Tripura;
2. Sri Ratan Debnath, son of Sri Anil Debnath, resident of Totabari, P.S. Kalyanpur, District- Khowai, Tripura, *presently residing at* Ranirbazar, P.S. Ranirbazar, District-West Tripura;
3. Sri Arjun Debnath, son of Sri Anil Debnath, resident of Totabari, P.S. Kalyanpur, District- Khowai, Tripura, *presently residing at* Ranirbazar, P.S. Ranirbazar, District-West Tripura;
-----**Claimant-Petitioner-Appellant(s)**

Versus

1. Sri Nitai Sarkar, son of late Thakur Chand Sarkar, resident of Kamalnagar, P.S. Kalyanpur, District- Khowai, Tripura
(owner of motor cycle bearing registration no. TR-01-J-9717)
-----**O.P.-Respondent**
2. The Divisional Manager, National Insurance Company Ltd., 42, Akhaura Road, Agartala, P.O. Agartala, District- West Tripura.
(insurer of motor cycle bearing registration no. TR-01-J-9717)
----- **Noticee-Respondents**

For Appellant(s)	:	Mr. D. Debnath, Advocate
For Respondent(s)	:	Mr. S. Sharma, Advocate Mr. AK Deb, Advocate
Date of hearing & delivery of Judgment & Order	:	05.02.2026
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 Claimant Petitioner Appellants (for short, the appellants) for enhancement of the award dated 31.05.2025 passed by the Id. Motor Accident Claims Tribunal, West Tripura, Agartala, in case No. T.S. (MAC) 153 of 2021, whereby learned Tribunal awarded the compensation in lower side.

2. Heard D. Debnath, learned counsel appearing for the appellants. Also heard Mr. S. Sharma, learned counsel appearing for the respondent No.1 and Mr. AK Deb, learned counsel appearing for respondent No.2.

3. The facts of the case, in a short compass, is that, on 18.01.2017, the deceased, Basana Giri was proceeding towards her house situated at Totabari through Teliamura-Khowai road and at about 1030 hours when she reached at Totabari, the offending vehicle being driven rashly and negligently suddenly has dashed her resulting which she fell on the road and sustained bleeding injuries on her person. After the accident, she was initially shifted to Kalyanpur PHC from where she was referred to AGMC & GBP hospital, and when she was brought to AGMC & GBP hospital, the attending doctors declared her dead. On to that issue, the appellants had claimed Rs.24,40,000/- as compensation under different heads.

On receipt of the claim application, both the respondents 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.6,12,000/- as compensation along with interest @7.5% 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 31.05.2025 passed by the learned Tribunal in T.S. (MAC) 153 of 2021, the claimant-appellants had preferred this appeal with a prayer for enhancement of the award passed by the learned Tribunal

4. Mr. Debnath, learned counsel appearing for the appellants, has contended that the compensation awarded by the learned Tribunal is not in accordance with law and is of the lower side. Learned counsel further contended that the learned Tribunal has assessed the income of the deceased as MNREGA worker though as per the appellants, the deceased has poultry business and was also engaged in agricultural farming. Learned Counsel has further urged this Court to consider the notification of this High Court where the income of unskilled labour is taken into consideration.

5. On the other hand, learned counsel for the respondents have urged before this Court 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. On bare perusal of the record, it is evident that the appellants in their affidavit-in-chief asserted the income of the deceased but, they could not adduce any documentary evidence to substantiate the income of the deceased, hence, learned Tribunal

taking lenient view considered the victim to be a MNREGA worker. However, this High Court in terms of Notification under No. F.44 (11)-HC/2023/19504, Dated, Agartala, the 4th August, 2023, held that the monthly income of a deceased in a motor vehicle accident, if he/she is a labourer is Rs.10,000/-.

8. Looking to the overall facts and circumstances of the case, this court is of the opinion that the deceased shall be treated as unskilled labour and, accordingly monthly income of the deceased shall be assessed at Rs.10,000/- per month. Thus, the findings of the learned Tribunal with regard to the monthly income of the deceased is interfered to the extent that the monthly income of the deceased shall be computed @Rs.10,000/- per month instead of Rs.6,000/- per month. It is made clear that all other statutory benefits, as awarded by the learned tribunal shall remain unaltered, and the same are affirmed accordingly.

9. The award of compensation is as under:

The loss of dependency, as per decision of the Hon'ble Supreme Court in *Sarla verma & Ors. vs. Delhi Transport Corporation* , (2009) 6 SCC 121, therefore, comes to Rs.10,000 X 12 X 9= Rs.10,80,000/-. Since the number of dependency is 3 in the family of the deceased, 1/3rd amount is deducted from this amount on account of personal expenditure of the deceased, and on calculation, total amount comes to Rs.10,80,000-3,60,000= Rs.7,20,000/- as loss of income of the deceased.

Accordingly, the respondent-National Insurance Company Ltd. shall make the payment of said enhanced amount of compensation i.e. Rs.7,20,000 [Rupees seven lakhs twenty thousand) to the claimant-petitioner-appellants along with interest @ 7.5% per annum from the date of filing of the claim petition, till the payment is made.

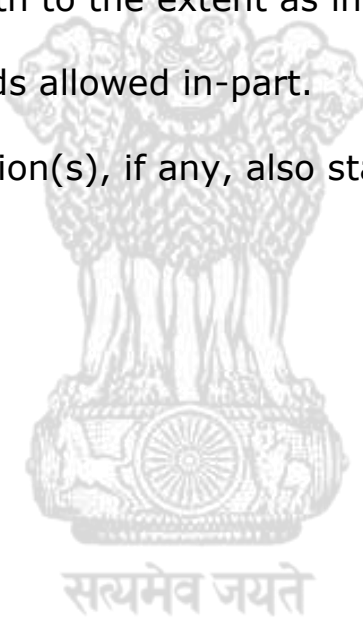
10. The insurance company shall deposit the entire amount, if not paid, with the Registry of this Court within 1(one) months from today.

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 31.05.2025 passed in T.S.(MAC)153 of 2021.

11. In the result, the judgment and award dated 31.05.2025 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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