

**HIGH COURT OF TRIPURA
AGARTALA
MAC. APP. NO.108 OF 2025**

The Divisional Manager, The Oriental Insurance Co. Ltd. H.G.B. Road, near Sarkar Nursing Home, P.S. Agartala, West Tripura, A Company registered under the Companies Act, 1956, being represented by the Assistant Manager/Officer in Legal Hub / Authorized signatory, Agartala Division Office.

.....*Appellant.*

-VERSUS-

1. Smt. Daya Rani Debnath, W/o Lt. Sankar Chandra Nath.

2. Sri. Sushankar Chandra Nath, Son of Lt. Sankar Chandra Nath. (being the minor claimant no. 2 is represented by his mother i.e., Claimant No. 1.

Both are the permanent residents of Deocherra, P.S- Panisagar, District-North Tripura.

.....*Claimants Respondents.*

3. Mr. Bidya Mani Halam, S/O Dhankur Chung Halam, of Chandraharam Para, Near Panchayat Office, P.S- Panisagar, North Tripura. (Rider cum owner of Pulsar bearing No.-TR-05C-6743)

.....*Respondent.*

For the Appellant(s) : Mr. Biswanath Majumder, Advocate.
For the Respondent(s) : None.

**HON'BLE JUSTICE DR. T. AMARNATH GOUD
ORDER**

05.01.2026

[1] This present appeal has been filed under Section 173 of the M.V. Act 1988 against the Judgment and Award dated 15.05.2025, passed by the Learned Motor Accident Claims Tribunal North Tripura, Dharmanagar in case No. T.S. (Mac) No. 01 of 2023.

[2] The appellant has prayed for the following reliefs:-

*“i) Admit this Appeal;
ii) Issue notice upon the respondents.
ii) Call for records of the case from the Motor Accident Claims Tribunal, North Tripura, Dharmanagar in Case No. T.S. (MAC) 01 OF 2023.
iv. Stay the operation of the impugned judgment and award dated 15.05.2025, passed by the Ld. Member Motor Accident Claims Tribunal, North Tripura, Dharmanagar, in Case No. T.S. (MAC) 01 of 2023.
v. After hearing the parties at length be pleased enough to dismiss / set aside / quash the impugned judgment and award dated 15.05.2025, passed by the Ld. Member (Namely, Sri. A. Debbarma), Motor Accident Claims Tribunal, North Tripura, Dharmanagar in Case No. T.S. (MAC) 01 of 2023.”*

[3] The fact of the case is that on 04.12.2019 at about 8:00 p.m the victim was returning to his house from Ramnagar market on foot and on the way to his house when he reached near the house of Sukumar Nath, at that time suddenly a motor bike bearing registration no. TR-05C-6743(Bajaj Pulsar) came from opposite side and dashed him. As a result of that accident the victim fell on the ground and sustained severe injuries on his body, immediately he was taken to Tilthai P.H.C where attending doctor seeing serious condition referred him to Dharmanagar District Hospital for better treatment. Then from Dharmanagar District Hospital to Silchar Medical Hospital. But, during treatment at Silchar, the victim succumbed to his injuries on that day of accident 04.12.2019. Accordingly postmortem examination of the deceased was done at Silchar Medical College and Hospital, Silchar, Cachar, Assam. It is stated that the accident was occurred due to rash and negligent riding by the rider of the motorcycle bearing no. TR-05C-6743 namely Bidya Mani Halam and accordingly a case was registered at Panisagar Police Station. It is further stated that deceased was only 44 years of age at the time of his death. Professionally he was a tea shop businessman cum owner of that tea shop. His monthly income was Rs.20,000/-. He left his wife, one minor son as his legal heirs cum dependents. Hence, this appeal.

[4] Thereafter, the Motor Accident Claims Tribunal North Tripura, Dharmanagar in case No. T.S. (MAC) No. 01 of 2023 passed the award on 15.05.2025 in the following manner:-

“ORDER

17. In view of the above discussion and findings, the application under Section 166 of the Motor Vehicles Act, 1988 filed by the claimant-petitioners is allowed on contest.

The Branch Manager, Oriental Insurance Company Ltd. Rajbari, Dharmanagar, North Tripura shall pay the compensation of Rs.14,90,000/- (Rupees fourteen lakh ninety thousand) only to the claimant-petitioners within a period of 30 days from this day of award. This award of compensation shall carry interest at the rate of 8% per annum from the date of presentation of the claim petition before this Tribunal i.e. 03-01-2023 till the realization.

The share of the claimant-petitioner no.1, Smt. Daya Rani Debnath being the wife of the deceased will be (Rs.7,20,000/-+ Rs.50,000/-) = Rs.7,70,000/- (Rupees seven lakh seventy thousand) only with accrued interest.

The share of the claimant-petitioner no. 2 namely Sushankar Chandra Nath will be Rs.7,20,000/- (Rupees seven lakh twenty thousand) only with accrued interest.

18. Keeping in mind the guidelines of the Hon'ble Apex Court in General Manager, Kerala State Road Transport Corporation, Trivandam Vs. Ms. Sushama Thomas and others (AIR 1994 SC.1631) and the guidelines as laid down in Union Carbide Corporations case (1991) 4 SCC 584 and subsequent decision of the Hon'ble High Court of Tripura in case no. MAC Application 36 of 2006 Joydeep Chakraborty Vs. Pintu Sharma and another, since the claimant petitioner no.2 is a minor, It is ordered that the share of the minor namely Sushankar Chandra Nath together with interest shall be fixed in a long term fixed deposit scheme till he attains majority in his name in any Nationalized Bank making his natural guardian mother namely Smt. Daya Rani Debnath as his nominee. No loan or other advances in any form shall be allowed on such fixed certificate without the express permission of this tribunal.

Since the claimant-petitioner no. 1 is a woman, it is ordered that 50% of the share of the claimant-petitioner no. 1 together with interest shall be fixed in a long term fixed deposit scheme at least for a period of six years in her name in any Nationalized Bank giving a scope to them to draw the monthly interests accrued on it. No loan or other advances in any form shall be allowed on such fixed certificate without the express permission of this tribunal.

Rest 50% of the share of the claimant-petitioner no. 1 together with interest shall be released in favour of her by transmitting it directly to her savings bank account to allow her to meet the expenditure of her livelihood which she might have incurred for the death of the deceased.

Supply a copy of the judgment to the claimant-petitioners for their ready reference and a copy of the judgment shall also be communicated to the Opposite Party No. 2, The Branch Manager, The Oriental insurance company Ltd. Rajbari, Dharmanagar, North Tripura to facilitate the payment of the awarded compensation in time.....”

[5] Being aggrieved and dissatisfied with the judgment and award dated 15.05.2025 passed by the Motor Accident Claims Tribunal North Tripura, Dharmanagar in case No. T.S. (MAC) No. 01 of 2023 this present appeal has been preferred by the appellant-Insurance Company.

[6] Heard Mr. Biswanath Majumder, learned counsel appearing for the appellant-Insurance Company.

[7] Mr. Majumder, learned counsel appearing for the appellant-Insurance Company submits before this Court that the award of compensation as passed by the learned tribunal below is unsustainable in

the eye of law and needs to be interfered with. He also submits that the rate of interest as has been assessed by the learned tribunal below is 8% which is of higher side and the same needs to be reduced.

[8] Heard and perused the evidence on record.

[9] It is observed by this Court that the amount of compensation as awarded by the learned Court below needs no interference and this Court in all related matters are fixing 7.5% interest and to maintain uniformity while comparing the bank rate of interest, which is also much less. Consequently, the claimants (respondents herein) would be entitled compensation as per the award passed by the learned tribunal below along with 7.5% interest per annum instead of 8% as awarded by the learned tribunal below. The awarded amount shall be deposited by the insurance company within a period of one month from today, if not deposited. However, it is made clear that on such deposit, the claimant respondents are at liberty to withdraw the same unconditionally as per procedure. This Court also directs the remaining order as passed by the learned tribunal below shall remain un-altered. This Court further feels that the arguments advanced by the learned counsel for the appellant on the point of delay in filing the FIR and prosecuting the case is made before this Court for the first time and it is not open for the appellant to raise all this fresh objection at this stage of appeal.

[10] In the light of the above, the present appeal stands disposed of. As a sequel, miscellaneous application pending, if any, shall stand closed.

DR. T. AMARNATH GOUD,J

Paritosh

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