

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_

MAC. App. No.109 of 2025

1. Sri Mithu Paul, son of late Ratan Paul, village-Bitarban, Bhati Abhoynagar, P.S. West Agartala, District- West Tripura.

.....Appellant

_V_E_R_S_U_S_

1. Sri Sudip Debnath, son of late Laxmikanta Debnath, village-West Noagaon, P.S. Ranirbazar, District-West Tripura.
2. The Bajaj Allianz General Insurance Company Limited, having its office at Aitorma Building, Unit No.414, 3rd Floor, Aitorma Agartala Centrum, Sakuntala Road, P.S. West Agartala, District-West Tripura.

.....Respondents

For Appellant(s) : Mr. S. Datta, Advocate.

For Respondent(s) : Mr. S. Saha, Advocate.

HON'BLE JUSTICE DR. T. AMARNATH GOUD

_F_I_N_A_L_O_R_D_E_R_

15.01.2026

Heard.

[2] The present appeal has been filed under Section-173 of the Motor Vehicles Act, 1988 against the impugned award dated 28.05.2025 passed by the learned Member, Motor Accident Claims Tribunal (Tribunal No.1), Agartala, West Tripura, in connection with T.S. (MAC) 11 of 2023.

[3] Brief facts leading to this case are that the respondent No.1 herein filed an application before the learned Motor Accident Claims Tribunal, Court No.1, West Tripura, Agartala claiming compensation for the injuries sustained by him due to a vehicular accident occurred on 01.04.2022. After receiving the notice from the learned tribunal, appellant appeared and submitted written statement. OPW-1 namely, Sri Prantosh Das submitted vehicle documents and extract of driving license of Partha Majumder who was the driver of the vehicle at the time of alleged incident. The said Partha Majumder is also facing trial in connection with the said accident. The learned tribunal below without considering the evidence shifted the liability upon the appellant.

[4] Having heard the learned counsel appearing for the parties and considering the material evidence on record, the learned Court below has observed as under:

“It is, therefore, held that the claimant petitioner Sri Sudip Debnath is entitled to get compensation of Rs.34,11,200/- (Rupees Thirty Four Lakh Eleven Thousand Two Hundred) only with interest @ 7.5% per annum w.e.f. 16.01.2023 i.e. the date of filing of the claim petition till the date of actual payment. O.P-Owner, Sri Mithu Paul, S/o Lt. Ratan Paul of Village- Bitarban, Bhati Abhoynagar, P.S- West Agartala, District- West Tripura shall pay the amount of compensation with interest within 30 days from today in terms of Section 168(3) of M.V. Act, 1988.

Out of the awarded amount of compensation inclusive of interest, 50% shall be kept in a fixed deposit scheme in the name of the claimant petitioner with any Nationalized Bank of his locality for a period of five years and the rest 50% shall be paid to him through his Bank Account. However, the claimant petitioner shall be entitled to receive monthly interest therefrom for his day to day expenses. No loan or premature withdrawal shall be permitted from the fixed deposit account without prior permission of this Tribunal.”

[5] Being aggrieved by and dis-satisfied with the same, the present appeal has been preferred by the appellant.

[6] At the time of hearing, both sides admitted that the relevant documents like insurance copy, driving license and other relevant documents which are required to be exhibited before the learned Court below were skipped and without appreciating the valid policy, the learned Court below has fasten the entire liability upon the owner of the vehicle.

[7] This Court has come across recently in many instances of motor accidents claims matters in the State of Tripura where even without examining the legal points awards were passed which are absolutely very important to discuss and thereafter a reasonable conclusion should come out from the competent authority. Though these matters are beneficial legislations, but unless there is a specific document to prove the grievance of the parties, it cannot be construed that the claimants are entitled for the compensation.

[8] In view of the above observation and also without going into the merits of the case, this Court is of the opinion that ends of justice would be met if the present matter is remitted back by setting aside the impugned award dated 28.05.2025 passed by the learned Member, Motor Accident Claims Tribunal, Agartala, West Tripura, (Tribunal No.1), in connection with T.S. (MAC) 11 of 2023 and, accordingly, the same is ordered. The learned Court below shall re-examine the matter by giving opportunity to both sides for their respective arguments.

[9] In that view of the matter, the present appeal is remanded back and is, accordingly, disposed of. As a sequel, miscellaneous application pending, if any, shall stand closed.

DR.T. AMARNATH GOUD, J

A. Ghosh

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