

**HIGH COURT OF TRIPURA  
AGARTALA  
MAC APP 111 OF 2025**

**The United India Insurance Company Limited,**  
represented by the Branch Manager, Mantribari Road,  
Agartala, P.S. West Agartala, District-West Tripura, Pin-  
799001 (*Insurer of Truck bearing No. TR-01-R-1855*)  
-----**Opposite Party No.2- Appellant(s)**

Versus

**1. Sri Tapash Sharma,** son of Sri Laxman Sharma, resident of  
South Champamura, P.S. Bishalgarh, District- Sepahijala,  
Tripura.

**.... Claimant Respondent**

**2. Sri Timirendu Bhowmik,** son of late Gopi Ballabh Bhowmik,  
C/o Satya Narayan Gas Agency, Hapania, P.O. Siddhi  
Ashram, P.S. Amtali, District- West Tripura, Pin-799006  
(Owner of Truck bearing No. TR-01-R-1855)

**----- Opposite Party-Respondent**

|                                                   |   |                                                |
|---------------------------------------------------|---|------------------------------------------------|
| For Appellant(s)                                  | : | Ms. R. Purkayastha, Advocate                   |
| For Respondent(s)                                 | : | Mr. S. Lodh, Advocate<br>Mr. P. Sahu, Advocate |
| Date of hearing & delivery<br>of Judgment & Order | : | <b>02.02.2026</b>                              |
| Whether fit for reporting                         | : | <b>Yes / No</b>                                |

**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 26.11.2024 passed by the Motor Accident Claims Tribunal, Sepahijala District, Bishalgarh, in case No. T.S. (MAC) 10 of 2020 praying for dismissal of the award to the tune of Rs. 16,65,000/- only alongwith interest @7.5% per annum w.e.f. the date of filing of the claim petition till realization of the same.

**2.** Heard Ms. R. Purkayastha, learned counsel appearing for the appellant-Insurance Company. Also heard Mr. S. Lodh, learned counsel and Mr. P. Sahu, learned counsel, appearing for the respondents.

**3.** Briefly stated, the claimant, on 31.10.2018 at about 1100 hours was returning home from Gokulnagar Tehsil office by riding one motorcycle bearing registration No. TR-07-A-5993 as a pillion rider and when the said motorcycle reached at Gokulnagar Tri-junction, a truck vehicle bearing registration No. TR-01-R-1855 i.e. the offending vehicle, which was proceeding towards Agartala from Bishalgarh driven by its driver with excessive speed and in negligent manner dashed the motorcycle, resulting which the claimant sustained grievous multiple injuries on his person, and immediately he was shifted to Hapania hospital from where he was referred to AGMC & GBP hospital for better treatment wherein he was admitted for a substantial period and till date he is under treatment.

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. 16,65,000/- along with

interest @7.5% 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 26.11.2024 passed by the learned Tribunal in T.S. (MAC) 10 of 2020, the appellant-insurance company has preferred this appeal with the following reliefs:

- "a) Admit the appeal;**
- b) Call for the records from Ld. Tribunal below;**
- c) Issue notice upon the respondents and;**
- d) after hearing the parties would further be pleased enough to quash/set aside that part of the impugned award dated Sri Debashish Kar, Sepahijala, Bishalgarh, in T.S. (MAC) 10 of 2020 whereby the Ld. Tribunal below has most illegally and arbitrarily awarded compensation of Rs.16,65,000 /- (Rupees Sixteen Lakhs Sixty Five Thousand) only with interest @ 7.5% per annum from 01.12.2020 i.e. from the date of filing of the claim petition till realisation of awarded compensation to the Claimant Respondent to be paid by the O.P. No.2 Appellant, the insurer of vehicle No. TR-01-R-1855, Truck, within 30 days from the date of the judgment; and further be pleased enough to stay the operation of the impugned award till final disposal of the appeal, otherwise the appellant would be highly prejudiced."**

**4.** Ms. Purkayastha, 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 learned tribunal in absence of any medical document passed the award to the tune of Rs.50,000/- towards future treatment. Learned counsel has also argued that learned tribunal arbitrarily has assessed the income of the claimant to be as Rs.15,000/- per month. Learned counsel for the appellant has further submitted that the amount of compensation has been wrongly assessed which requires interference by this Court.

**5.** Mr. Sahu, learned counsel for claimant respondent has submitted that the award passed by the learned tribunal is just and fair. Mr. Lodh, learned counsel for the OP-respondent No.2

has submitted that the offending vehicle has been duly insured with the appellant i.e. insurance company and if any award is to be paid, the same shall be paid by the appellant. Learned counsel for the parties has submitted that the judgment and award passed by the learned tribunal requires no interference.

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

**6.** 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 PW-2, an eye-witness to the accident, also reveals that the claimant sustained injuries out of a road traffic accident which took place on the alleged date and time. The accident occurred on 31.10.2018 and the Disability Certificate (Exbt.4) was issued by District Disability Board in favour of the claimant on 07.10.2020, and taking the prosecution papers, treatment related documents of the claimant and the disability certificate, it is aptly clear that the claimant has become disabled to a certain extent due to the injuries sustained by him in the said road traffic accident. From the nature of injuries, it can safely be presumed that the claimant requires prolong treatment. From the record it is seen that the claimant is a mason by profession and his profession was not disputed during the trial. On such circumstance, this court is of the view that the disability of the claimant sustained due to the aforesaid accident would definitely hamper his profession. Thus, the award passed by the learned tribunal is well assessed.

**7.** Upon consideration of the totality of facts and circumstances, this Court does not find any ground to warrant an interference with the impugned award, and the same cannot be interfered with. Accordingly, it is made clear that the findings of the learned Tribunal regarding the entitlement of the claimant-respondent to receive the compensation to the tune of Rs. 16,65,000/- alongwith interest @7.5% per annum w.e.f. from the date of filing of the claim petition till its actual payment, is not liable to be disturbed and hence, the same is affirmed. The appellant-insurance company shall deposit the entire amount, if not paid, with the Registry of this Court within 1(one) months from today. Registry shall adjust Rs.25,000/- which was submitted by the appellant at the time of filing of the appeal, as per procedure.

**8.** Consequently, the appeal preferred by the appellant-insurance company stands dismissed. Pending application(s), if any, also stands disposed.

**JUDGE**

**SAIKAT KAR** Digitally signed by  
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