

**HIGH COURT OF TRIPURA
AGARTALA**

MAC App.119 of 2025

The Oriental Insurance Company Ltd.

A Company registered under the Companies Act, 1956, represented by the Assistant Manager cum Officer in Legal Hub/Authorized Signatory, Agartala, Division Office, H.G.B. Road, (Near Sarkar Nursing Home), Agartala, West Tripura.

.....Appellant

VERSES

- 1. *Smt. Dipali Rani Das(41 Years)***
W/O. Lt Shakti Das,
Resident of Village - South Pullinpur,
Teliamura- PS, District - Khowai, Tripura
- 2. *Sri Sayan das (14 years)***
S/O. Lt. Shakti Das,
resident of village - South Pullinpur,
Teliamura- PS, District - Khowai, Tripura
- 3. *Smt. Anita das (57 years)***
W/O. Sri Lalmohan Das,
resident of village - South Pullinpur,
Teliamura- PS, District - Khowai, Tripura

..... Claimants/ Respondents

- 4. *Sri Goutam Sen,***
S/O-Lt. Chitta Ranjan Sen,
Resident of Central Road Extension, Town Pratapgharh,
East Agartala - PS, District West Tripura, PIN - 799004
[Owner of the offending vehicle bearing No. TR-01AD-1909, TATA
Goods Carrier]

.....Respondent

For the Appellant(s)	:	Mr. Biswanath Majumder, Advocate Ms. Pinki Nama, Advocate
For the Respondent(s)	:	Mr. Samarjit Bhattacharjee, Advocate. Mr. Bhaskar Debbarma, Advocate.
Date of hearing and delivery of Judgment & Order	:	15.01.2026
Whether fit for reporting	:	YES/NO.

HON'BLE JUSTICE DR. T. AMARNATH GOUD
J U D G M E N T & O R D E R (O R A L)

[1] This present appeal has been filed under Section 173 of the Motor Vehicles Act, 1988 alongwith its up to date amendments against the impugned judgment and award dated 30.05.2025 passed by the learned Member Motor Accident Claims Tribunal, Khowai Tripura in case No. T.S. (MAC) 29 of 2023.

[2] The brief facts of the case is that on 23.08.2023 at about 11.00 PM, while Shakti Das (deceased) was standing on the road side in front of his house and gossiping with one e-rickshaw driver and Sanjit Das, at that time, one vehicle (truck) bearing registration No.TR-01-AD-1909 coming from Agartala side towards Teliamura with very high speed and rash & negligently, dashed Shakti Das along with the e-rickshaw and two others on the road side of Assam-Agartala road. Due to the said accident, it was stated before the learned tribunal that Shakti Das and two others sustained grievous injuries and fell down on the road and started bleeding through his mouth, thereafter, immediately, he was shifted to Teliamura hospital by the local people, but unfortunately, the attending doctor after examining him, declared brought dead. It was also alleged that on the next day, at about 12.10 PM, post-mortem was conducted over the dead body of the deceased by the doctors of Teliamura hospital and in their report, the cause of death was mentioned due to hard and blunt force impact of the head. It was further contended that after post-mortem, the dead body was handed over to the relatives of the deceased and at the time of the accident, the deceased was only 38 years old and used to earn Rs.30,000/- per month by performing as a Mason. A criminal Case in this regard, was also stated to have been registered for the said accident by Teliamura PS, vide Teliamura PS Case No.63/2023, dt. 24.08.2023, U/Ss- 279/338/304A of the IPC read

with Sec-184/187 of the MV Act, which was charge-sheeted after completion of investigation.

[3] On the basis of the above facts, the claimants filed an application before the Court below setting a total claim of Rs. 70,05,000/- as compensation. Thereafter, Opposite Party No.1 i.e. the owner of offending vehicle and opposite party No.2, i.e. the Oriental Insurance Company Ltd. contested the case by filing their respective written statements. The learned Tribunal upon hearing the parties and on perusal of the material evidence on record, has decided the case by the impugned award dated 30.05.2025 passed in Case No. T.S. (MAC) 29 of 2023 in the following manner:

“.....ORDER.....”

9. Being the insurer of the offending vehicle bearing No.TR-01-AD-1909 (Truck), the Opp. Party No.2, the Oriental Insurance Company Ltd. is directed to pay the awarded compensation amount of Rs.24,86,000/- (Rupees Twenty four lac & eighty six thousand only) along with interest @ 9% per annum within 60 (sixty) days from the date of passing of this award.....”

[4] Being aggrieved by the aforesaid impugned order dated 30.05.2025 passed in Case No. T.S. (MAC) 29 of 2023, the appellant has preferred this appeal seeking the following reliefs:

- i. Admit this appeal.
- ii. Issue notice upon the Respondents.
- iii. Call for records of the case from the Motor Accident Claims Tribunal, Khowai Tripura, in Case No. T.S. (MAC) 29 of 2023.
- iv. Stay the operation of the impugned judgment and award dated 30.05.2025, passed by the Ld. Member Motor Accident Claims Tribunal, Khowai Tripura, in Case No. T.S. (MAC) 29 of 2023.
- v. After hearing the parties at length, be pleased enough to dismiss /set aside/quash the impugned judgment and award dated 30.05.2025, passed by the Ld. Member ***** Motor Accident Claims Tribunal, Khowai Tripura, in Case No. T.S. (MAC) 29 of 2023.....”

[5] Mr. B. Majumder, learned counsel appearing for the appellant insurance company submits that the present appeal is preferred on the ground that the tribunal has granted award excess to that of eligibility of

the claimants and prayed that the awarded compensation needs to be reduced. He has pointed out that the total amount of Rs.24,86,000/- has been awarded to the claimants mainly in two parts. Firstly, following the judgment passed by the Hon'ble Supreme Court of India in *National Insurance Company Ltd. vs. Pranay Sethi & others* and also following the judgment passed in *Santosh Devi vs. National Insurance Company Ltd. and others* by the Honb'le Supreme Court a sum of Rs.20,16,000/- has been calculated and is awarded to the claimants under the head of 'loss of dependency', the counsel has no objection if the same is affirmed. It is contended that insofar as other heads are concerned, the Court below has awarded the total amount of Rs.4,70,000/- and the same has been calculated in a tabular form in the impugned award dated 30.05.2025, in the following manner:

“

Head	Amount
Funeral expenses	Rs.25,000/-
Loss of consortium	Rs.1,20,000/-
Loss of estate	Rs.1,00,000/-
Litigation costs	Rs.25,000/-
Loss of love and affection towards aged parents	Rs.1,00,000/-
Loss of guidance to minor child	Rs.1,00,000/-
Total	Rs.4,70,000/-

”

[6] Mr. Majumder, learned counsel appearing for the appellant contends that learned tribunal below has erroneously awarded a sum of Rs.1,00,000/- under the head of *loss of love and affection to the aged parents* which is not permissible in the eye of law. It is also contended that a sum of Rs.1,00,000/- has been awarded to the claimants under the head of *loss of estate*, which is also at the higher side and the same needs to be reduced. He further contends that the learned tribunal has awarded Rs.1,00,000/- towards the head of *loss of guidance to the minor child*, which is also not permissible under the law. He also submits that learned tribunal has imposed

interest at the rate of 9% per annum on the awarded amount which is also in higher since this Court in MAC cases fixes the rate of interest at 7.5% per annum. Learned counsel, therefore, urges this Court to interfere/modify the impugned award dated 30.05.2025 passed by the learned tribunal in Case No. T.S. (MAC) 29 of 2023.

[7] Per contra, Mr. S. Bhattacharjee, learned counsel appearing for the respondent-claimants opposes the submissions made on behalf of the appellant and contends that the award passed by the learned tribunal on 30.05.2025 in Case No. T.S. (MAC) 29 of 2023 should not be interfered with.

[8] Heard the submissions made at the Bar and perused the material evidence on record.

[9] In view of the foregoing discussions and on perusal of the materials on record, this Court is of the opinion that learned tribunal has awarded a sum of Rs.1,00,000/- under the head of *loss of love and affection to the aged parents*, the same should be reduced to Rs.80,000/- considering Rs.40,000/- to each of the parents.

[10] It is also opined that the sum of Rs.1,00,000/- which has been awarded by the learned tribunal to the claimants under the head of *loss of estate*, may be reduced to Rs.80,000/- only.

[11] This Court is also of the opinion that considering all other aspects of the award, the sum of Rs.1,00,000/- towards the head of *loss of guidance to the minor child* as awarded by the learned tribunal is in the higher side and the same needs to be reduced to Rs.40,000/- only.

[12] It is also observed that the learned tribunal by its Order dated 30.05.2025 passed in Case No. T.S. (MAC) 29 of 2023 has fixed rate of interest @ 9% per annum on the awarded amount, which according to this Court is on the higher side. This Court in all similarly situated matters is fixing 7.5% per annum simple interest on the awarded amount to maintain

the uniformity considering the present bank rate of interest which is also lesser than the same. Thus, in the present case also, 7.5% per annum simple interest would be fixed instead of 9% per annum interest as fixed by the learned Tribunal.

[13] Since, there has been no objection raised at the Bar with regard to Rs.20,16,000/- as awarded by the learned tribunal below under the head of *loss of dependency*, the same shall remain unaltered. Insofar as other heads are concerned, the same is recalculated by this Court as under:

RE-CALCULATION

Head	Amount
Funeral expenses	Rs.25,000/-
Loss of consortium	Rs.1,20,000/-
Loss of estate	Rs.80,000/-
Litigation costs	Rs.25,000/-
Loss of love and affection towards aged parents	Rs.80,000/-
Loss of guidance to minor child	Rs.40,000/-
Total	Rs.3,70,000/-

Thus, the total amount to be awarded to the claimants comes to [Rs.20,16,000 /- + Rs.3,70,000/-] = **Rs.23,86,000/-**.

[14] Thus, the total award to be received by the claimants from the insurance company would be **Rs.23,86,000/- with 7.5% interest per annum** from the date of filing of claim petition before the Court below. It is made clear that insofar as other aspects of the impugned award passed by the learned Court below dated 30.05.2025 passed in Case No. T.S. (MAC) 29 of 2023, are concerned, the same need no interference and the same shall remain unaltered.

[15] Accordingly, the award passed by the learned Tribunal is modified to the extent as indicated above. The appeal preferred by the appellant is hereby partly allowed and the same is disposed of. The modified awarded amount of **Rs. Rs.23,86,000/-** with 7.5% interest per annum shall

be deposited by the insurance company within a period of one month from today, if not already deposited. On such deposit, the claimants would be at liberty to withdraw the same unconditionally as per procedure.

[16] It is also observed that at the time of filing of the present appeal, a statutory amount of Rs.25,000/- has been deposited by the insurance company. It is open for the insurance company either to claim return of the same from the Registry or to adjust the same with the compensation.

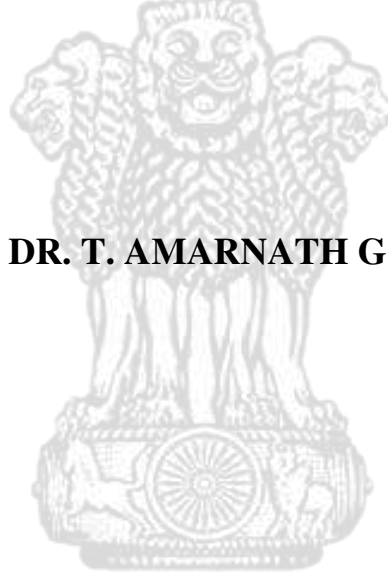
[17] As a sequel, miscellaneous application(s), pending if any, shall also stand closed.

DR. T. AMARNATH GOUD, J

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GHOSH**

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