

HIGH COURT OF TRIPURA
AGARTALA
Mac. App No.120/2025

Sri Keshab Sarkar, S/o- Sri Kajal Kanti Sarkar, Resident of Subashnagar, Jirania, Madhya Para, P.S Jirania, District- West Tripura (Owner of Truck No. TR-01-AF-1819).

.....Appellant

Versus

1. Smt. Anita Debnath, W/O Late Jagadish Debnath.

2. Sri Rajdeep Debnath, S/O Late Jagadish Debnath.

Both are resident of Noagaon, P.S. Ranirbazar District-West Tripura. (The respondent no.2 being minor is represented by the respondent no.1 being the mother and natural Guardian).

.....Respondent- claimants

3. The Divisional Manager,

Oriental Insurance Company Limited Divisional Office, Agartala, Near Sarkar Nursing Home P.S. East Agartala, District-West Tripura (Insurer of Truck No. TR-01-AF-1819).

.....Respondent.

4. Smt. Santi Bala Debnath

W/O Late Manik Lal Debnath, Resident of West Noagaon P.S. Ranirbazar, District-West Tripura (Mother of the deceased person).

.....Pro-forma Respondent.

For Appellant(s) : Mr. K.K Pal, Advocate

For Respondent(s) : None.

HON'BLE JUSTICE DR. T. AMARNATH GOUD
ORDER

16.01.2026

[1] When the case is called Mr. K. K. Pal, learned counsel is present before this Court on behalf of appellant. None appears on behalf of the respondents despite service of notice.

[2] This present appeal has been filed under Section 173 of the M.V. Act 1988 against the judgment and award dated 10.03.2025 passed by the Motor Accident Claims Tribunal, Court No.4, West Tripura, Agartala in T.S (MAC) No. 190 of 2021 and T.S.(MAC) 49 of 2022.

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

- (a) Admit the appeal;
- (b) Issue notice upon the respondents;
- (c) Call for the case records from the court of Learned Member, Motor Accident Claims Tribunal, Court No. 4, West Tripura, Agartala Mr. Dharmendu Das dated 10-03-2025 in case No. T.S.(MAC) 190/2021 & T.S.(MAC) 49/2022,
- (d) After hearing the parties be pleased enough to set aside and modify the impugned judgment and award of the Learned Member, Motor Accident Claims Tribunal, Court No. 4, West Tripura, Agartala Mr. Dharmendu Das dated 10-03-2025 in case No. T.S.(MAC) 190/2021 & T.S.(MAC) 49/2022, taking into consideration of the documents submitted with the petition for additional evidence and also for shifting the liability of the awarded amount upon the respondent insurance company,
- (e) Pending disposal of the present appeal stay the operation of the impugned judgment and award of Learned Member, Motor Accident Claims Tribunal, Court No. 4, West Tripura, Agartala Mr. Dharmendu Das dated 10-03-2025 in case No. T.S.(MAC) 190/2021 & T.S. (MAC) 49/2022."

[4] The facts of the case is that on 08.10.2021 at about 11-30 a.m. victim was returning home from Nalgaria bazar on foot and when he reached Nalgaria, offending truck coming from Jirania side being driven in rash and negligent manner with high speed hit down the victim and caused him serious injuries which became fatal. Though the victim

was shifted to Ranirbazar PHC immediately after the accident, he was declared dead.

[5] Mr. K. K. Pal, learned counsel appearing for the appellant submits before this Court that during the pendency of the claim petition, counsel of the present appellant became Special P.P in POCSO Court, Agartala as well as Chairperson of Child Welfare Committee and as a result though the appellant owner tried to meet with the counsel during the trial, but could not meet with his counsel as a result at the time of evidence of the parties, the appellant owner failed to submit the insurance policy, driving license and other vehicle related documents though the appellant owner has his valid relevant documents insurance policy, driving license, registration, fitness certificate and road permit, pollution certificate etc. of his vehicle for the alleged period of the accident.

[6] In support of the argument learned counsel for the appellant prays to remand the matter before the Court below to place all the relevant documents .

[7] Since, the claims under the Motor Vehicles Act is a beneficial legislation and to meet the ends of justice, an opportunity has to be given to the appellant to approach the tribunal along with documents, and if that is so, the tribunal may examine the matter after giving a reasonable opportunity to both sides and pass an order as per procedure.

[8] In view of the above, the present appeal stands remanded back by setting aside the impugned order dated 10.03.2025 passed in

T.S (MAC) No. 49 of 2022 and T.S (MAC) No. 190 of 2021 by the learned Trial Court.

[9] With the above observation and direction, the present appeal is remanded back and accordingly, the same is disposed of. As a sequel, miscellaneous application(s) pending, if any, shall also stand closed.

Dr. T. AMARNATH GOUD, J.

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