

**HIGH COURT OF TRIPURA
AGARTALA
Mac. App No.118/2025**

Sri Nikhil Ranjan Debnath, S/o- Lt. Rajani Kanta Debnath of
Village:- Chandrapur P.S- East Agartala, District- West Tripura PIN-
799008.

.....***Appellant/Claimant***

VERSUS

1. Sri Kuldeep Noatia, S/O- Sri Sashilal Noatia of Krishnanagar,
Nutan Palli PO- Rajnagar, P.S- West Agartala, District- West Tripura.
(Owner-cum-rider of the Bajaj Dominor Motor Cycle No.TR-01-AH-
5081)

2. The Divisional Manager, Oriental Insurance Co. Ltd.
HGB Road, Agartala, Near Sarkar Nursing Home, P.S- West Agartala,
District- West Tripura. (Insurer of Motor Cycle No.TR-01-AH-5081)

.....***Respondents***

For Appellant(s)	:	Mr. S. Kar Bhowmik, Sr, Advocate Mr. E. L Darlong, Advocate. Mr. S. H Roy, Advocate.
For Respondent(s)	:	Mr. T. Debbarma, Advocate.

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

16.01.2026

[1] Heard Mr. S. Kar Bhowmik, learned Sr. counsel assisted
by Mr. E.L Darlong , learned counsel appearing for the appellant. Also
heard Mr. T. Debbarma, learned counsel appearing for respondent No.1.

[2] This present appeal has been filed under Section 173 of the M.V. Act 1988 against the judgment and award dated 09.09.2025 passed by the learned Member Motor Accident Claims Tribunal, Court No.2, West Tripura, Agartala in T.S (MAC) No. 97 of 2022.

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

(a) Admit the appeal;

(b) Call for the records of Case no. T.S. (MAC) 97 OF 2022 from the Court of Ld. Member, Motor Accident Claims Tribunal, Court No.2, West Tripura, Agartala.

(c) After hearing the parties be kind enough to allow the appeal and remand the case to Ld. Tribunal below with liberty to amend the claim petition and adduce fresh documentary evidence and pass just/enhanced award as per law."

[4] Brief facts of this case is that on 21.02.2020 the appellant was proceeding towards south through Debendra Road, Dhaleshwar from their residence by riding his motor bike bearing its registration No. TR-01-B-6852 along with his wife and when they reached at Jail Ashram Road and turned towards western side keeping left side of the road at that time another motor bike bearing registration No. TR-01-AH-5081 (here-in-after called the offending vehicle) which was coming from opposite direction with excessive speed and in rash and negligent manner dashed the motor cycle of appellant and as a result of which appellant along with her wife fell down on the road and sustained grievous fracture injuries on his right leg and other parts of his body. Immediately after the accident with the help of Fire Brigade and local people, appellant as well as his wife was brought to Trauma Centre of AGMC & GBP Hospital, Agartala on the same day and plaster was given in his hand and leg. As the condition of the victim was serious in nature so he was referred to Medica Super Specialty Hospital Kolkata on the following day. It is also stated in the appeal that the accident

occurred due to rash and negligent driving of the driver of the offending vehicle.

[5] Mr. S. Kar Bhowmik, learned Sr. Counsel assisted by Mr. E.L Darlong, learned counsel submits before this Court that the appellant-claimant conducted treatment and tests at Medica Super Speciality Hospital Kolkata, but the appellant could not preserve the corresponding bills and vouchers and in this regard he lodged a GD entry in a Police Station.

[6] Learned Sr. counsel further contends that recently only after the award the appellant (claimant) could trace out the copy of bills and vouchers of his treatment at the said Hospital, Kolkata and from the aforesaid bills and vouchers it is seen that the claimant spent around Rs 21,75, 245 (Rupees twenty one lakhs seventy five thousand two hundred and forty five) as per available vouchers and bills for his treatment and his employer 'Central Bank of India' under medical insurance scheme reimbursed 3 lakhs rupees out of the said amount and as such the claimant spent an amount of Rs 18,75, 245 (Rupees eighteen lakhs seventy five thousand two hundred and forty five) on his own and the Ld. Tribunal awarded only Rs 11,000/-(Rupees eleven thousand) for his treatment. Due to misplacement of those documents, he could not produce the bills and vouchers before the Ld. Tribunal. Hence, he prays to remand the matter before the learned Tribunal for producing all relevant documents.

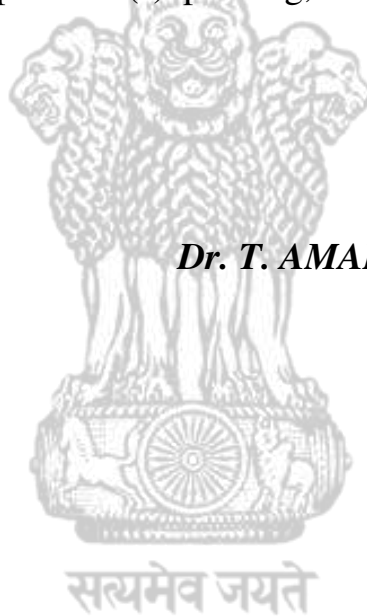
[7] Since, the claims under the Motor Vehicles Act is a beneficial legislation and to meet the ends of justice, an opportunity has

to be given to the appellant to approach the tribunal along with all additional documents and the tribunal may reconsider the matter after giving a reasonable opportunity to both sides in respect of their pleadings 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 09.09.2025 passed in T.S (MAC) No. 97 of 2022 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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