

**HIGH COURT OF TRIPURA
AGARTALA
MAC APP 128 OF 2025**

Sri Jagadish Debnath, son of It. Banamali Debnath, resident of Matabari, P.O. + P.S. RK Pur, District- Gomati, Tripura;

-----Claimant-Petitioner-Appellant(s)

Versus

1. Smt Banti Paul (Saha), wife of Sri Biplab Saha, resident of Milanchakra Club, Badharghat, *presently residing at* C/o Sri Nitai Chandra Dey of Fulkumari (near BSNL office), P.O.+P.S. RK Pur, Udaipur, District- Gomati, Tripura;
(owner of vehicle bearing registration no. TR-03-1809, Supro Mini Truck)

2. Sri Sanjit Debnath, son of Sri Hemanta Kumar Debnath, resident of Gakulpur, R.F., P.O.+P.S. RK Pur, Udaipur, District- Gomati, Tripura;

3. The Branch Manager, Chola mandalam MS General Insurance Company Ltd., Agartala Branch, Mantribari Road, RMS Chowmuhani, Agartala, West Tripura.
(insurer of vehicle bearing registration no. TR-03-1809, Supro Mini Truck)

-----O.P.-Respondent

For Appellant(s)	:	Mr. B. Banerjee, Advocate
For Respondent(s)	:	Mr. DC Saha, Advocate
Date of hearing & delivery of Judgment & Order	:	09.03.2026
Whether fit for reporting	:	No

**BEFORE
HON'BLE JUSTICE DR. T. AMARNATH GOUD
Judgment & Order (Oral)**

This is an appeal preferred by the Claimant Petitioner Appellant (for short, the appellant) for enhancement of the award dated 09.06.2025 passed by the learned Member, Motor Accident Claims Tribunal No.2, Gomati, Tripura, Udaipur, in case No. T.S. (MAC) 40 of 2021.

2. Heard B. Banerjee, learned counsel appearing for the appellant. Also heard Mr. DC Saha, learned counsel appearing for the respondents.

3. Fact of the case, as projected by learned tribunal is as under:

"On 11.09.2020 at about 11.30 hrs when the claimant petitioner Jagadish Debnath was proceeding towards Belonia from Udaipur by boarding the vehicle bearing registration no. TR-03-G-1809(Supro Mini Truck) loaded with bags for selling those bags at different markets of Balonia. At about 11.30 hrs while the said vehicle reached at Rajapur near Amtali on Belonia to Bir Chandra Road at that time suddenly the said vehicle capsized on the western side of the road. As a result the claimant petitioner sustained traumatic crush injury (L) hand with amputation of the fingers at MCP Joint and other multiple bleeding injuries all over his body. Soon after the accident the injured was taken to Paikhola PHC and considering the gravity of injuries, the injured claimant petitioner was referred to Gomati District Hospital, Udaipur, where from, on the same day he was referred to AGMC & GBP Hospital, Agartala where he was treated as an indoor patient w.e.f 11.09.2020 to 21.09.2020. During his treatment several X-ray and medical examinations were done Removal of bony spikes with wrist block done on 19.09.2020. But the injured did not recover from his injuries. On 21.09.2020 the injured was discharged from G.B. Hospital, Agartala with advise to review at Ortho OPD on 25.09.20 A.D. Accordingly the injured was attended at Ortho O.P.D. of G.B. Hospital, Agartala for long period and also treated by several Doctors as private patient. After prolong treatment also the injured did not recover from his injuries. On 31.10.2020 the injured was admitted at The Care & Cure Polyclinic & Medical Research Center, Agartala, West Tripura and treated upto 02.11.2020 as indoor patient at the Care & Cure Polyclinic & Medical Research Center, Agartala, West Tripura. GA STSG harvested from left thigh, left amputated hand stamp prepared Graft insert done. Dressing and splintage applied on 01.11.2020. On 02.11.2020 the injured was discharged from the Care & Cure Policlinic & Medical Research Center, Agartala, West Tripura with advise to review after 5 days. Thereafter the injured still undergoing treatment by several Doctors as private patient. After prolong treatment also the injured did not fully recover from his injuries. The injured has become permanently disabled. Regarding disability the Medical Authority, Gomati Tripura issued Disability Certificate on 02.02.2021 in favour of injured petitioner to the extent of 40% disability. The injured had already been spent about Rs. 5,00,000/- for treatment purpose of the injured including cost of medicine, medical examinations, fees of Doctors, fooding, lodging and transportation etc. and an amount of about Rs. 3,00,000/- would expected to be spent for future treatment of the injured. Due to inadvertence the injured did not preserve all the cash memos and vouchers of expenses of his treatment. Due

to such RTA a complaint was lodged with the O/C of Santir bazar PS, which was registered as Santirbazar PS Case No. 52 of 2020, under Sections 279/338 of IPC,. The claimant-petitioner further alleged that the accident occurred due to the rash and negligent driving by the driver of vehicle bearing registration No. TR-03-G-1809(Supro Mini Truck) . The claimant petitioner also stated that at the time of accident he was aged about 45 years old, and was earning 15000/- per month from his bag selling business."

4. On receipt of the claim application, the OP-respondents by filing their respective written statements contested the claim application denying the averments of the appellant brought forth in the claim petition. In course of the proceeding, witnesses were examined and cross-examined and some documents were exhibited. The Tribunal, after analyzing the entire evidence on record, passed an award for a sum of Rs.11,13,632/- as compensation along with interest @7.5% per annum from the date of filing of the claim application till the date of actual realization imposing some other withdrawal conditions, and directed the Insurance Company to make the payment within 30 days from the date of passing of the judgment and award.

Being aggrieved by and dis-satisfied with the said award dated 09.06.2025 passed by the learned Tribunal in T.S. (MAC) 40 of 2021, the claimant-appellant had preferred this appeal with a prayer for enhancement of the award passed by the learned Tribunal

4. Mr. Banerjee, learned counsel appearing for the appellant, has contended that the compensation awarded by the learned Tribunal is not in accordance with law and is of the lower side. Learned counsel further contended that the learned Tribunal has assessed the income of the deceased at Rs.10,500/- per month without any reasoning and also has not properly assessed

the loss of income. Learned counsel has also submitted that the learned tribunal has awarded less amount under the head of pain and suffering. In fine, learned Counsel has urged this Court to enhance the amount of compensation.

5. On the other hand, learned counsel for the respondents have urged before this Court to maintain with the findings of the learned Tribunal.

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

7. At the very outset, this court would take into note that this High Court in terms of Notification under No. F.44 (11)-HC/2023/19504, Dated, Agartala, the 4th August, 2023, held that the monthly income of unskilled worker in a motor vehicle accident which took place after 31.12.2025 shall be assessed at Rs.10,000/- per month. On bare perusal of the record, it is evident that the appellant could not adduce any documentary evidence to substantiate his income and despite that learned Tribunal taking lenient view, considered the income of the appellant as Rs.10,500/- per month. In terms of the other award under different heads, as assessed by the learned tribunal, this court is of the opinion that the learned tribunal has rightly assessed the compensation.

8. 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-appellant to receive the compensation to the tune of Rs.

11,13,632/- 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 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 insurance company at the time of filing of the appeal, as per procedure.

9. Consequently, the appeal preferred by the appellant stands dismissed. As a sequel, pending application(s), if any, also stands disposed.

JUDGE



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