

HIGH COURT OF TRIPURA

_A_G_A_R_T_A_L_A_

MAC.App. No.124 of 2025

1. Reliance General Insurance Company Limited

.....Appellant

_V_E_R_S_U_S_

1. Smti. Swapna Rudra Paul and 2 others.

.....Respondents

For Appellant(s)	:	Mr. S. Chakraborty, Advocate.
For Respondent(s)	:	Mr. A. De, Advocate. Mr. S. Bhattacharjee, Advocate.

HON'BLE JUSTICE DR. T. AMARNATH GOUD

_F_I_N_A_L_O_R_D_E_R_

22.01.2026

Heard.

[2] When the case is called at the stage of admission, both sides present and was ready to proceed with the matter. The present appeal has been filed under Section-173 of the Motor Vehicles Act, 1988 by the appellant-insurance company challenging the judgment and award dated 25.07.2024, passed by the learned Motor Accident Claims Tribunal No.2, West Tripura, Agartala, in connection with Case No. T.S. (MAC) 83 of 2019.

[3] The facts in brief are that on 24.11.2018 victim namely Anibash Rudrapaul son of the Claimant Respondents was proceeding towards Tuchindrai market from his house on foot and when he reached at Howaibari Pucca bridge near the Pig Farm on Assam-Agartala Road at that time vehicle bearing registration No. TR-06-B-5332 (Honda Scooty) which was coming from opposite direction being driven rashly and negligently by its rider suddenly dashed the victim. As a result, victim sustained serious injuries on his person. Immediately after the accident victim was taken Teliamura Rural Hospital wherefrom he was referred to AGMC & GBP Hospital, Agartala for treatment but he succumbed to injuries on 25.11.2018. The Claimant Respondent i.e. the Respondent No.-1 & 2 had filed an application under section 166 of the Motor Vehicles Act, 1988, for granting compensation of Rs. Rs.20,20,400/-for the death of victim namely Anibash Rudrapaul occurred in the road traffic accident occurred on 24.11.2018 at Howaibari on Assam-Agartala Road under Teliamura Police Station. After

completion of the trial, the Ld. Tribunal below passed the judgment and award dated 25.07.2024, whereby and where under the petition under Section-166 of the Motor Vehicles Act has been allowed. The Claimant-Respondent i.e. the Respondent No.-1 & 2 had been awarded a sum of Rs.17,42,000/- (Rupees Seventeen Lacs Forty Two Thousand) only with interest @ 6% per annum w.e.f. 12.04.2019 i.e. the date of filing of the case till the date of realization. As the judgment and award is in higher side and erroneous one, the appellant insurance company had preferred this instant appeal.

[4] Having heard the learned counsel appearing for the parties and after also perusal of the material evidence on record, the learned Court below has observed as under:

“In the result, claim is awarded in following terms:

(i) Claimant petitioners are entitled to get the award of Rs.17,42,000/- (seventeen lacs forty two thousand) only along with 6% simple interest per annum from the date of registration of claim i.e. w.e.f. 12.04.2019 till the date of realization thereof.

50% share of the awarded amount be invested in favour of the claimant petitioner Nos.1 and 2 by purchasing fixed deposit certificate from any Nationalized Bank at least for the next 5 years and no loan or advance or premature withdrawal shall be allowed without prior sanction of this Tribunal. Rest amount shall be transferred to the individual bank account of the claimant petitioners.

The op No.2 (Reliance General Insurance CO. Ltd.) insurer of the offending vehicle shall deposit the awarded amount long with interest thereon within one month to this Tribunal.

Supply a copy of this award free of cost to the parties by not later than 15 days from the date of award.”

[5] Hence, the present appeal has been preferred by the appellant-insurance company before this Court for redress.

[6] Mr. S. Chakraborty, learned counsel appearing for the appellant-insurance company has submitted that the learned Court below has erred in facts as well while passing the impugned judgment dated 25.07.2024, which is required to be set aside. The learned Court below failed to appreciate the pleadings on record, argument and hearing put forward and thereby comes to erroneous findings.

[7] The learned Court below erred in facts as well as failed to appreciate the evidences on record and generously awarded Rs.2,00,000/- for loss of love and

affection for the parents of the deceased victim by ignoring the precedents set-forth by the Hon'ble Apex Court and thus the findings of learned Court below in this regard made in judgment dated 25.07.2024 is erroneous one and liable to be dismissed.

[8] The learned Court below has erroneously determined the income of the deceased victim to be Rs.10,000/- wherein deceased was aged 17 years of age at the time of accident as per Madhyamik Admit Card as exhibited as age proof and it is unbelievable that deceased who used to be a school student was earning around Rs.8,000/- from tuition as claimed in the claim petition, while the learned Court below deemed the income of the victim as per notification of High Court issued in the year 2023 without examining the fact that the accident was occurred in 2018 i.e. on 25.11.2018, which is unacceptable and beyond the established procedure of law and beyond what was claimed by the claimant and also beyond any proof of evidence and in that event notional income was ought to be taken into for computing the loss of income of deceased victim and thus, the income as same is required to be interfered with.

[9] In view of above and having heard the learned counsel appearing for the parties, this Court is of the opinion that except the compensation as awarded on the head of love and affection, others parameters are just and proper. The learned Court below has awarded a sum of Rs.2,00,000/- under the head of love and affection to the aged parents, the same should be reduced to Rs.80,000/- considering the principle laid down in Magma General Insurance Co. Ltd. v. Nanu Ram Alias Chuhru Ram and Others, reported in (2018) 18 SCC 130 i.e Rs.40,000 to each of the parents. Thus, the sum of Rs.2,00,000/- towards the head of love and affection is on the higher side and that must be reduced to Rs.80,000/- i.e. [Rs.40,000 x 2 = Rs.80,000/-].

[10] In view of overall analysis made by the learned Court below and after going through the material evidence in its entirety, this Court is of the view that the assessment of compensation as awarded by the learned Court below is just and proper and needs no interference except, the amount as assessed under the head of love and affection and the same is reduced to Rs.80,000/- instead of Rs.2,00,000/-. As such, except the amount as awarded under the head of love and affection, remaining award stands unaltered.

[11] Accordingly, the award passed by the learned Court below is modified to the extent as indicated above and thus, disposed of. The amount if not deposited, shall be deposited within a period of one month from today and on such deposit, the claimants are at liberty to withdraw the same unconditionally as per procedure. However, the statutory amount i.e. Rs.25,000/- deposited by the appellant-insurance company at the time of filing of this appeal be adjusted or returned as per procedure.

[12] As a sequel, miscellaneous applications pending, if any, shall stand closed. Registry is directed to do the needful as per procedure and thereafter, send down the LCRs forthwith.

DR.T. AMARNATH GOUD, J

A. Ghosh

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