

**HIGH COURT OF TRIPURA
AGARTALA**

MAC App.6 of 2026

The Divisional Manager,
The Bajaj Allianz General Insurance Co. Ltd.
Shreeji Tower, 2nd Floor, IFE Walford,
Adjacent to Mahindra & Mahindra,
Guwahati (Assam)- 781005
(Insurer of vehicle No.TR-08-2368 Auto-Rickshaw)

.....Appellant

Versus

- 1) Sri Sunil Das***
S/O Late Lakshan Das
- 2) Smt. Rupasi Das***
W/O Sri Sunil Das
- 3) Smt. Shipra Das***
W/O Late Shankar Das
- 4) Miss Priya Das***
D/O Late Shankar Das
- 5) Sri Surajit Das***
S/O Late Shankar Das

All are residents of Vill-Abhoynagar, Nalua,
P.S. - Belonia, Dist. - South Tripura
Presently residing at C/O Sri Dulal Bhowmik of Vill - Naraura,
P.S.- Bishalgarh, Dist.- Sepahijala Tripura

.....Claimant Respondents

- 6) Sri Ratan Debbarma,***
S/o Sri Sachindra Debbarma of West Manu,
P.S.- Santirbazar, Dist.- South Tripura
(Owner of vehicle No. TR-08-2368 Auto-Rickshaw).

.....Owner Respondent

For Appellant(s)	:	Mr. Subhajit Chakraborty, Advocate Mr. Samar Das, Advocate
For Respondent(s)	:	Mr. Saugat Datta, Advocate Mr. Arijit Debnath, Advocate Ms. Sibama Roy, Advocate Ms. Papiya Goswami, Advocate
Date of hearing and delivery of judgment and order	:	13.03.2026
Whether fit for reporting	:	No.

HON'BLE JUSTICE DR. T. AMARNATH GOUD

JUDGMENT & ORDER (ORAL)

[1] Heard learned counsel for the respective parties.

[2] This present appeal has been filed by the appellant, challenging the judgment and award dated 26.07.2024 passed by the learned Motor Accident Claims Tribunal, Sepahijala Tripura, Bishalgarh in case No. T.S. (MAC) 03 of 2020.

[3] The brief facts of the case as described in the present appeal are that on 06.10.2019 at about in between 20:15 to 20:45 Hours the victim along with his family members were returning home by boarding the vehicle bearing registration No.- TR-08-2368 (Auto-Rickshaw) and on its way when the vehicle reached at Basantibari under Manu Bazar Police Station which was being driven by its driver in a alleged rash and negligent manner, it capsized and as a result of the accident the victim sustained serious injuries on his person and immediately after the accident victim was shifted to Joypur PHC wherefrom he was admitted into TMC & Dr. BRAM Teaching Hospital, Hapania, Agartala wherein the victim succumbed to his injuries.

[4] The claimant-respondents i.e. the Respondent No.-1 to 5 herein on 04/01/2020 had filed an application under section 166 of the Motor Vehicles Act, 1988, for granting compensation of Rs.30,19,200/- due to death of victim Sankar Das in the road traffic accident occurred on 06.10.2019. After hearing the parties and conclusion of trial, the learned Tribunal below passed the judgment and award dated 26.07.2024, whereby and where under the petition under Section 166 of the Motor Vehicles Act has been allowed and the claimant respondents have been awarded a sum of Rs.27,05,200/- (Rupees Twenty Seven Lakhs Five Thousand and Two Hundred) only with interest thereon at the rate of 9% per annum with effect from date of filing of the claim application i.e., from 04.01.2020 to till realization of the awarded

amount in favour of the claimant-respondents i.e. the Respondents No.-1 to 5 from the appellant insurance company. Against the said award, the appellant has preferred the instant appeal before this Court to quash or modify the impugned judgment and award.

[5] Mr. Samar Das, learned counsel appearing for the appellant insurance company submits that the claimant-respondents had not produced any proof of income or profession to show that the deceased was engaged in any particular occupation. Stating thus, learned counsel prays this Court to allow this appeal.

[6] On the other hand, Mr. Saugat Datta, learned counsel appearing for the respondent-claimants, submits that the award passed by the learned Tribunal is just and proper and does not call for any interference.

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

[8] In view of the foregoing discussions and upon consideration of the materials on record, this Court finds no infirmity in the findings and conclusions arrived at by the learned Tribunal. The contention raised by the learned counsel for the appellant-Insurance Company that the income of the victim was not duly proved is without merit, as the Tribunal had rightly assessed the income on the basis of the surrounding circumstances, which this Court finds to be reasonable and just. However, apart from the calculated compensation amount as assessed by the learned Court below, it is observed that the learned tribunal has imposed interest at the rate of 9% per annum on the awarded compensation which according to this Court is on the higher side since this Court in all such, similar sort of MAC cases, is fixing interest on the awarded amount @7.5% simple interest as a standard rate of interest considering the prevalent bank rate of interest which is obviously less than 9% per annum as fixed by the learned trial Court.

[9] Accordingly, the appellant-Insurance company is directed to deposit the awarded amount of **Rs.27,05,200/-** as assessed by the learned

Court below along with *7.5% simple interest per annum* from the date of registration of claim till date of realization, if not yet disbursed, within one month from today to the Registry of the High Court of Tripura. On deposit of the said amount, the claimants would be at liberty to withdraw the said compensation unconditionally as per procedure.

[10] 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.

[11] With the above observations and directions, the impugned order dated 26.07.2024 passed by the learned tribunal below is modified to the extent as indicated above. Resultantly, the present appeal stands disposed of. As a sequel, miscellaneous application(s), pending if any, shall also stand closed.

JUDGE

Sabyasachi G.

SABYASACHI GHOSH

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