

HIGH COURT OF TRIPURA
AGARTALA
MAC APP. NO.126 OF 2025

The New India Assurance Company Ltd., Agartala Divisional Office, 4. Mantribari Road, P.O. Agartala, P.S. West Agartala, District-West Tripura, Pin-799001. (Insurer of vehicle bearing No. TR-01-X-1615, 407 (TATA Mini Truck), Represented by its Divisional Manager Appellant.

.....Appellant(s).

Vs.

1. Smti Rina Debbarma, W/o.Late Nandi Gopal Debbarma.
2. Smti Dirjati Debbarma, W/o.Late Nandi Gopal Debbarma.
3. Kumari Elina Debbarma, D/o.Late Nandi Gopal Debbarma.
4. Master Elian Debbarma, S/o.Late Nandi Gopal Debbarma.
5. Master Jenius Debbarma, S/o.Late Nandi Gopal Debbarma.

(Claimant Respondent Nos.4 & 5 being minor represented by their mother being natural guardian, Claimant Respondent no No.2).

All are residents of Vill- Dhumti Bari,
P.O. Bhrigudas Bari (Para),
P.S. Mandai, District- West Tripura,
Pin 799045

..... Claimant Respondents.

6. Sri Promode Bhattacharjee, S/o.Late Biswanath Bhattacharjee, resident of Madhya Badharghat, P.O. & P.S.- A.D. Nagar, District West Tripura, Pin 799003.

(Owner of vehicle bearing
No. TR-01-X-1615, 407
(TATA Mini Truck).

.....Respondent Owner.

7. ICICI Lombard General Insurance Co. Ltd., Second Floor, RMS Chowmuhani, Agartala, P.O. Agartala, P.S. West Agartala, District - West Tripura, Pin-799001.

.....Respondent(s)

For the Appellant(s) : Mr. G. Das, Advocate.
Mr. K. Deb, Advocate.

For the Respondent(s) : Mr. D.C. Roy, Advocate.
Mr. T. Saha, Advocate.
Mr. S. Das, Advocate.
Mr. P.K. Chakraborty, Advocate.
Mr. B. Bhowmik, Advocate.
Ms. J. Debbarma, Advocate.
Ms. A. Chowdhury, Advocate.
Ms. Y. Debbarma, Advocate.
Ms. S. Debbarma, Advocate.

Date of hearing and delivery of
Judgment & Order : 29.01.2026

Whether fit for reporting : YES/NO.

BEFORE
HON'BLE JUSTICE DR. T. AMARNATH GOUD
JUDGMENT AND ORDER(ORAL)

1. This present appeal has been filed under Section 173 of the M.V. Act, 1988 by the appellant-Insurance Company against the award dated 01.04.2025 passed by the learned Motor Accident Claims Tribunal No. 2, West Tripura, Agartala, in case bearing No. T.S. (MAC) 142 of 2021..

2. The present case arises out of a road traffic accident that occurred on 03.08.2021 at about 9:35 a.m. at Ranirbazar, Mara Chowmuhan. The deceased, Sukumar Debbarma, was proceeding from Agartala towards Khumulwong, TTAADC, on his own motorcycle bearing registration No. TR-01-AP-6967, along with a pillion rider, for attending his office. At the relevant time, a TATA 407 Mini Truck bearing registration No. TR-01-X-1615, allegedly driven in a rash and negligent manner, dashed the motorcycle from behind, causing the deceased and the pillion rider to fall on the road and sustain grievous injuries. The deceased was immediately shifted to AGMC & GBP Hospital, where he was treated and later succumbed to his injuries on 01.09.2021. A police case was registered vide Ranirbazar P.S. Case No.

2021/RNB/50 under Sections 279/338/304-A IPC and Section 184 of the Motor Vehicles Act. The claimants filed a claim petition stating that the deceased was 50 years of age, employed as a Forester under the Forest Department, and earning approximately Rs. 61,000/- per month, claiming compensation of Rs. 1.20 crores.

3. Upon contest, the learned Tribunal, after framing issues, recording evidence, and hearing the parties, allowed the claim petition and awarded a total compensation of Rs. 65,09,372/- along with interest @ 7.5% per annum from the date of filing of the claim petition, fastening the liability upon the appellant–Insurance Company.

4. Aggrieved by the said judgment and award, the appellant herein has preferred this appeal seeking to deduct the amount of Rs. 2,00,000/- awarded under the head of love and affection as being beyond the provision of law, and also to reduce the rate of interest from 7.5% per annum to 6% per annum.

5. Heard Mr. G.S. Das, learned counsel appearing for the appellant, as well as Mr. S. Das, learned counsel appearing for the respondents.

6. Mr. G.S. Das, learned counsel appearing for the appellant, submits that the learned Trial Court awarded Rs. 2,00,000/- under the head of love and affection which is beyond the provision of law. Further the interest awarded @ 7.5% per annum instead of 6% per annum on the awarded amount is on the higher side.

7. Heard and perused the evidence on record.

8. After hearing the learned counsel for the parties and upon perusal of the materials available on record, this Court finds that the learned Tribunal has awarded an amount of Rs. 2,00,000/- under the head of ‘*loss of love and affection*’, which is not sustainable in view of the law laid down by the Hon’ble Supreme Court in ***Magma General Insurance Company Ltd. vs. Nanu Ram alias Chuhru Ram and others***, reported in (2018) 18 SCC 130. It is evident from the record that the deceased left behind three minor children,

who are entitled to compensation towards parental consortium. Accordingly, the amount awarded under the said head is modified from Rs. 2,00,000/- to Rs. 1,20,000/-, calculated at Rs. 40,000/- (Rupees forty thousand) each for the three minor children. As such, after modification as stated here-in-above, the awarded amount stands at [Rs.60,94,836/- +1,04,536/- +**Rs.1,20,000/-** + Rs.15,000/- + Rs.15,000/- + Rs.80,000/-] = **Rs.64,29,372/-**(Rupees sixty four lakh twenty nine thousand three hundred seventy two only)

9. Apart from the aforesaid modification, the remaining portions of the award dated 01.04.2025 passed by the learned Motor Accident Claims shall remain unaltered. The appellant–Insurance Company is directed to deposit the modified awarded amount along with interest as awarded by the learned Tribunal within a period of one month from today. Upon such deposit, the claimants shall be at liberty to withdraw the same in accordance with law and in terms of the procedure prescribed by the learned Tribunal.

10. With the above observation and direction, this present appeal stands disposed of. As a sequel, stay if any stands disposed. Pending application(s), if any also stands closed.

DR. T. AMARNATH GOUD, J

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Suhanjit

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