

**HIGH COURT OF TRIPURA
AGARTALA**

MAC APP 1 OF 2026

The Divisional Manager, The National Insurance Company Limited, Akhaura Road, Agartala, P.S. West Agartala, District- West Tripura
(Insurer of the AS-11-BC-3071, Truck)

----Appellant(s)

Versus

- 1. Smt. Sumitra Debbarma,** wife of Sri Bidhu Debbarma, resident of Kalyanpur, P.S. Kalyanpur, District- Khowai, Tripura.
- 2. Sri Bidhu Debbarma,** son of late Sudhanya Debbarma, resident of Kalyanpur, P.S. Kalyanpur, District- Khowai, Tripura.
- 3. Smt. Animika Debbarma,** daughter of Sri Bidhu Debbarma, resident of Kalyanpur, P.S. Kalyanpur, District- Khowai, Tripura.
- 4. Smt. Swapna Debbarma,** daughter of Sri Bidhu Debbarma, resident of Kalyanpur, P.S. Kalyanpur, District- Khowai, Tripura.
- 5. Smt. Hasina Debbarma,** daughter of Sri Bidhu Debbarma, resident of Kalyanpur, P.S. Kalyanpur, District- Khowai, Tripura.

---- Claimant-Respondents

- 6. Sri Ajit Das,** son of late Promode Ranjan Das, resident of Longai Road, Karimganj, P.S. Karimganj, District- Karimganj, Assam (owner of AS-11-BC-3071, Truck).

---- Respondent

For Appellant(s)	:	Mr. D. Sarma, Advocate
For Respondent(s)	:	Mr. PS Roy, Advocate
Date of hearing & delivery of Judgment & Order	:	23.03.2026
Whether fit for reporting	:	Yes / No

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

This is an appeal preferred by the appellant- Insurance Company challenging the impugned judgment and award dated

21.06.2025 passed by the Motor Accident Claims Tribunal, Court No.2, West Tripura, Agartala, in case No. T.S. (MAC) 217 of 2021.

2. Heard Mr. D. Sarma, learned counsel appearing for the appellant-Insurance Company. Also heard Mr. PS Roy, learned counsel for the claimant-respondents.

3. The facts of the case, in short is that, on 24.04.2021 the deceased, Tinamoy Debbarma, was proceeding towards Kalyanpur from Teliamura by riding a Motor Bike and when he reached in front of Kalyanpur Forest Office at Kalyanpur at that time one Truck bearing registration No.AS11BC-3071 came from Kalyanpur Bazar in a rash and negligent manner and dashed the deceased from his back side with his motor bike, as a result of which the deceased sustained fatal injury on his person. Immediately after the accident he was taken to Kalyanpur Hospital wherefrom he was referred to AGMC and GBP Hospital, Agartala for his treatment, and in course of his treatment, said Tinamoy Debbarma succumbed to his injuries. For the said fatal accident, the claimant-respondents filed a claim case before the learned Tribunal for compensation.

On receipt of the claim application, the appellant-insurance company as well as the owner of the offending vehicle by filing their respective written statements contested the claim application. In course of the proceeding, witnesses were examined and cross-examined and documents were also exhibited by the learned Tribunal.

Following the settled principles of law, the learned Tribunal has quantified the compensation to the tune of Rs. 20,44,400/- along with interest @8% per annum from the date of filing of the claim application till the date of its realization mentioning therein the proportionate share.

Being aggrieved by and dis-satisfied with the said judgment and award dated 21.06.2025 passed by the learned Tribunal in T.S. (MAC) 217 of 2021, the insurance company has preferred this appeal with the following reliefs:

- "a) Admit the appeal and call for records;**
- b) Pass order setting aside the award dated 21st day of June, 2025 passed by the Motor Accident Claims Tribunal, Court No.2, West Tripura, Agartala in Motor Accident case no. T.S. (MAC) 217 of 2021;**
- c) Pass order staying the operation of the award dated 21st day of June, 2025 passed by the Motor Accident Claims Tribunal, Court No.2, West Tripura, Agartala in Motor Accident case no. T.S. (MAC) 217 of 2021 ;**
- d) Pass any other order or orders as deem fit and proper having regard to the facts & circumstances of the case."**

4. Mr. Sarma, learned counsel appearing for the appellant-insurance company has argued in two folds, namely, (i) the person driving the motor bike i.e. the deceased, was not having driving license, and (ii) no vehicular documents relating to the motorcycle were placed before the trial court and the same were not exhibited. Learned counsel for the appellant has further submitted that since on the alleged date and time, the deceased was not having valid driving license, the claimants are not entitled to get any compensation. Learned counsel has further submitted that the driver of the truck vehicle also was not having valid license on the alleged date and time of the accident. Learned counsel has further submitted that the insurer of the motorcycle was not impleaded as party to the suit. Learned counsel has further submitted that

violating all the statutory provisions of Motor Vehicles Act, the deceased was driving his motorcycle and that too the accident occurred due to fault of the deceased. In fine, learned counsel has urged this court to quash the impugned judgment and award passed by the learned Tribunal.

5. On the other hand, learned counsel for the claimant-respondents has urged this court to maintain with the judgment and award so passed by the trial court. Learned counsel has further submitted that all the documents were furnished and placed on record before the trial court and after careful examination, the trial court has passed the judgment and award by computing the compensation under issue nos. (iii) and (iv).

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

7. On scrutiny of the record, it is evident that the deceased was driving the alleged motorcycle, but the driving license of the deceased and vehicular documents of the alleged motorcycle were not seized or placed on record by the claimant-respondents nor the same were marked as exhibit. The trial court has opined nothing on to this regard while passing the judgment and award. Moreover, PW-1 in her cross-examination has specifically stated that no driving license of her son (deceased) was produced before the court. Since learned counsel for the claimant-respondents made specific assertion that all documents were placed on record, this court considering the Motor Vehicles

Act as beneficial legislation and not to deprive the claimants of their legitimate right, and the matter on this point alone requires re-consideration.

8. On the second point that this court is not inclined to accept argument of the Insurance Company that the driver of the offending vehicle was having driving license, but the same was not Transport/Commercial license. This argument is denied since the driver of the offending vehicle was having a license and it is well settled by a catena of decisions rendered by Hon'ble Supreme Court that category of license cannot be a ground for denying the payment of compensation and it is not open for the Insurance Company to take such defense. Thus, only to examine on the point no. (i) with regard to the driving license and vehicular papers, the matter needs to be remanded.

7. In this view of the matter, the impugned judgment and award dated 21.06.2025 passed by the learned Tribunal in T.S. (MAC) 217 of 2021, is hereby set-aside and the matter is remanded back to the learned Tribunal for proper examination and appreciation. However, it is made clear that both the parties shall be at liberty to adduce their evidences in their favour, both documentary and oral.

8. With the above observations and directions, the appeal stands disposed of. As a sequel, pending application(s), if any, also stands disposed. Send down the LCRs forthwith.

JUDGE

SAIKAT KAR

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