

**HIGH COURT OF TRIPURA  
AGARTALA**

**MAC APP 25 OF 2026**

**National Insurance Company Limited,**

Divisional Office situated at 42, Akhaura Road, Agartala-799001.

**----Appellant(s)**

Versus

**1. Sri Subhas Das,** son of late Hiralal Das, resident of Purnagram, P.O. Sekerkote, P.S. Amtali, District- West Tripura.

**2. Sri Maran Das,** son of late Hiralal Das, resident of Purnagram, P.O. Sekerkote, P.S. Amtali, District- West Tripura.

**.... Claimant Respondents**

**3. Sri Suman Saha,** son of late Nikhil Chandra Saha, resident of Murabari, West Laxmibill, P.S. Bishalgarh, District- Sepahijala, Tripura.

(Owner of vehicle No. TR-01-D-2198, auto rickshaw)

**---- Respondent**

---

|                                                |   |                       |
|------------------------------------------------|---|-----------------------|
| For Appellant(s)                               | : | Mr. R. Saha, Advocate |
| For Respondent(s)                              | : | None                  |
| Date of hearing & delivery of Judgment & Order | : | <b>12.03.2026</b>     |
| Whether fit for reporting                      | : | <b>Yes / No</b>       |

---

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

This is an appeal preferred by the appellant- National Insurance Company Limited challenging the judgment dated 18.08.2025 passed by the Motor Accident Claims Tribunal, Court No.2, West Tripura, Agartala, in case No. T.S. (MAC) 63 of 2022 praying for dismissal of the award to the tune of Rs. 4,30,020/- only alongwith interest @7.5% per annum w.e.f. the date of filing of the claim petition i.e. 02.03.2022, till realization of the same.

**2.** Heard Mr. R. Saha, learned counsel appearing for the appellant-Insurance Company.

**3.** The brief fact of the case, as projected by learned Tribunal, is that, on 20.01.2017 at about 9-30 hours the deceased, father of the claimant-respondents, was proceeding towards Sekerkote market from his house at Purnagram by walking and at that time one auto rickshaw bearing registration No. TR-01-D-2198 (here-in-after called the offending vehicle) which was going towards Bishalgarh from the side of Amtali being driven with excessive speed and in negligent manner by its driver dashed the deceased near Old Tripura Gramin Bank, Sekerkote on Agartala-Sabroom National Highway as a result deceased fell down on the ground and sustained severe bodily injuries on his person. Immediately after the accident deceased was taken to TMC Hospital by the offending vehicle where he succumbed to his injuries on the same day. Post mortem was also done over the body of the deceased on the following day in the TMC Hospital on 21.01.2017. In this connection Amtali PS Case No. 10 of 2017 u/s 279/338/304-A of IPC and Section 184 of the MV Act was also registered. Claimant petitioners further stated in their claim petition that the accident occurred due to rash and negligent driving on the part of the driver of the offending vehicle.

On receipt of the claim application, the insurance company and owner of the vehicle by filing their respective written statement and contested the claim application.

All the witnesses were examined and cross-examined and the documents, submitted by parties to the claim petition were also taken into consideration by the learned trial Court.

Following the settled principles of law, the learned Tribunal has quantified the compensation to be paid to the

claimant-respondent to the tune of Rs. 4,30,020/- along with interest @7.5% per annum from the date of filing of claim application till the date of realization with proportionate share.

Being aggrieved by and dis-satisfied with the said award dated 18.08.2025 passed by the learned Tribunal in T.S. (MAC) 63 of 2022, the appellant-insurance company has preferred this appeal with the following reliefs:

**“(i) Admit the Appeal;  
(ii) Call for the case records from the Learned Motor Accident Claims Tribunal, Court No. 2, West Tripura District, Agartala, Tripura, in Case No. T.S. (MAC) 63 of 2022.  
(iii) After hearing the parties be pleased enough to set aside/quash and modify the impugned judgement and award dated 18.08.2025, passed by the Learned Tribunal below and may be kind enough to pass an appropriate order in terms of the law laid down by the Hon'ble Apex Court by passing the various judgments in this regard, for the fair ends of justice.  
(iv) Pending disposal of the present appeal, stay the operation of the impugned judgment and Award dated 18.08.2025 in Case No. T.S. (MAC) 63 of 2022, passed by the Learned Motor Accident Claims Tribunal, Court No. 2, West Tripura District, Agartala, Tripura;  
AND  
Pass such other order or orders as the Hon'ble High Court may seem fit and proper.”**

**4.** Mr. Saha, learned counsel appearing for the appellant-insurance company has argued that the award is in the higher side. It is argued that the vehicle involved in the accident was plying on the road without valid route permit which is supposed to have as per Road Transport Rules and since the accident took place, the claimant-respondents are not entitled to any compensation. Learned counsel for the appellant has further submitted that the amount of compensation has been wrongly assessed which requires interference by this Court.

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

**6.** On scrutiny of the record, it is evident that the appellant-insurance company failed to make out any case on to the issue that the vehicle was plying beyond route permit. No evidence has been placed on record nor any argument has been put forward to establish that the vehicle was plying without valid route permit, which is now advanced by learned counsel for the appellant-insurance company at this appeal stage. The issue which was not raised before the trial court cannot be raised in appeal as new set of evidence. Issues, facts, or legal theories which were not raised in the pleadings or during the trial court proceedings generally cannot be introduced as new arguments in an appeal, as appellate courts cannot create new cases or raise fresh issues. This principle prevents parties from introducing new cause of action or shifting their position to prejudice the opposing party, hence, this court cannot accept the submission of learned counsel for the appellant-insurance company. That, apart, the award passed by the learned trial Court is well considered and on the issues that were framed needs no reconsideration.

**7.** 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-respondents to receive the compensation to the tune of Rs. 4,30,020/- 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 appellant-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 appellant at the time of filing of the appeal, as per procedure.

**8.** Consequently, the appeal preferred by the appellant-insurance company stands dismissed. Pending application(s), if any, also stands disposed.

**JUDGE**



**SAIKAT KAR**

Digitally signed by  
SAIKAT KAR  
Date: 2026.03.18  
16:20:43 -04'00'