

**HIGH COURT OF TRIPURA  
AGARTALA**

**MAC APP 127 OF 2025**

**Sri Parimal Banik**, son of late Sudhir Banik, resident of Srirampur, P.O. + P.S. Kailasahar, District- Unakoti, Tripura;

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

Versus

**1(a) Sri Mantosh Das**, husband of late Jhuma Das, son of It. Makhan Das, resident of Durgapur, Ward No.13, P.S. Kailasahar, District- Unakoti, Tripura;

**1(b) Smt. Arpita Das**, daughter of late Jhuma Das and Sri Mantosh Das, Durgapur, Ward No.13, P.S. Kailasahar, District- Unakoti, Tripura;

*Both the respondent Nos. 1(a) and 1(b) are the legal heirs of late Jhuma Das D/o B.K. Das of Chandipur, P.S. Kailasahar, District- Unakoti, Tripura ... owner of TR-02-0619 (maruti van);*

**2. Sri Tutu Chakraborty**, son of Jyotish Chakraborty, resident of Srirampur, P.O. + P.S. Kailasahar, District- Unakoti, Tripura;

**3. The Branch Manager**, United India Insurance Company Limited, Kailasahar Branch, Unakoti, Tripura;

**---- Respondents**

---

|                                                   |   |                                                           |
|---------------------------------------------------|---|-----------------------------------------------------------|
| For Appellant(s)                                  | : | Mr. SS Debnath, Advocate                                  |
| For Respondent(s)                                 | : | Ms. R. Purkayastha, Advocate<br>Ms. A. Debbarma, Advocate |
| Date of hearing & delivery<br>of Judgment & Order | : | <b>05.02.2026</b>                                         |
| Whether fit for reporting                         | : | <b>Yes / No</b>                                           |

---

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

**05/02/2026**

This is an appeal preferred by the appellant challenging the impugned judgment and award dated 26.06.2025 passed by the learned Motor Accident Claims Tribunal, Unakoti District, Kailasahar, in case No. T.S. (MAC) 01 of 2018.

**2.** Heard Mr. SS Debnath, learned counsel appearing for the appellant. Also heard Ms. R. Purkayastha, learned counsel

appearing for the respondent No.3 and Ms. A. Debbarma, learned counsel appearing for respondent Nos. 1(a) and 1(b).

**3.** Shortly stated, out of a road traffic accident occurred on 11.05.2004, the claimant-appellant sustained injuries resulting which he has become disabled to a certain extent, and subsequently he filed a claim petition before the learned Tribunal and he was awarded compensation vide judgment and award dated 30.06.2022. On being aggrieved, the respondent-insurance company, being appellant, filed an appeal before this High Court challenging the judgment and award dated 30.06.2022 passed in TS(MAC) 1 of 2018 which was registered and marked as MAC App. 40 of 2023. After analyzing the record, this Court vide its judgment and order dated 21.06.2024, remanded the matter to the learned tribunal below for considering the matter on the point of disability since the Disability Certificate produced was of 14.09.2017 whereas the accident took place on 11.05.2004 with a further direction to assess just and fair compensation after proper appreciation of the evidences on record. On receipt of the case record, learned tribunal issued notices upon the parties to the *lis*, who on their appearance declined to adduce further evidence, but the doctor who issued the Disability Certificate adduced his evidence to prove the disability certificate. On conclusion, learned tribunal assessed the compensation at Rs.64,526/- with interest @6% per annum from the date of filing of the claim petition. Being aggrieved, the present appeal is filed by the claimant-appellant.

**4.** Mr. Debnath, learned counsel appearing for the appellant, has contended that the compensation awarded by the

learned Tribunal is not in accordance with law. Learned counsel further contended that the learned Tribunal has not properly appreciate the validity of the disability certificate. It is contented that the first Certificate was issued on 27.04.2006 which is valid for five years. The Second Certificate was issued in the year 2017. It is further contended that effect of disability is gradually increasing resulting which the income of the appellant has been disturbed. Learned counsel has urged this court to enhance the award.

**5.** Learned counsel appearing for the respondents has urged this court to maintain with the findings of the learned tribunal.

**6.** I have perused the entire record.

**7.** On bare perusal of the record, evidently it is well established that there is no pleading or evidence regarding income of the claimant-appellant. Further from the deposition of the Medical Officer (CW-1), Dr. Abhisek Majumder, it is evident that the claimant-appellant sustained locomotor disability to the extent of only 20%. From cross-examination of CW-1 it is further evident that the pain sustained by the claimant-appellant not degenerative. Further, there is no issue of any surgery undergone by the claimant-appellant. Moreover, 20 years have elapsed the claimant-appellant faced the accident.

**8.** 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 vide its award dated 26.06.2025 in T.S. (MAC) 01 of 2018, is not liable to be disturbed and hence, the

same is affirmed. The insurance company shall deposit the awarded 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 insurance company at the time of filing of the appeal, as per procedure.

However, it is made clear that on such deposit, the claimant-appellant would be at liberty to withdraw the same in terms of the conditions as laid down in Order dated 26.06.2025 passed in T.S.(MAC)01 of 2018.

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



**JUDGE**