

HIGH COURT OF TRIPURA
AGARTALA
MAC. APP. NO.133 OF 2025

1. Sri Santosh Chandra Sarkar,
S/o, Late Harendra Chandra Sarkar,

2. Smt. Nandita Sarkar,
D/o Sri Santosh Chandra Sarkar,

3. Smt. Ram Krishna Sarkar,
S/o Sri Santosh Chandra Sarkar,

All are of village Palatana, P/S Kakraban,
Udaipur, Gomati, Tripura.

.....Claimant-petitioners/Appellants.

Versus

1. Najir Miah, S/o Ahid Miah,
of village-Purba Gakulpur,
P/S & P.O-R.K.Pur, Udaipur,
Gomati Tripura.
(Owner of TR-01-AD-7676, Motor Bike).

2. Joynal Hossain @ Sakil,
S/o Amir Hossain,
of village Purba Gakulpur,
P/S & P.O- R.K.Pur.
Udaipur, Gomati Tripura.
(Driver of TR-01-AD-7676, Motor Bike).

3. HDFC ERGO General Insurance Company Ltd.,
Leela Business Park, 5th Floor, Andheri, Kurlard, Mumbai-400059. At
present – 3rd Floor, GRS Tower, AT Road, RMS Chowmuhani, P.O-
Agartala, Dist- West Tripura.
(Insurer of TR-01-AD-7676, Motor Bike).

.....Opposite parties/ Respondents

HON'BLE JUSTICE DR. T. AMARNATH GOUD

Present:

For the Appellant(s) : Mr. A. Acharjee, Advocate.
Ms. M. Basu, Advocate.

For the Respondent(s) : Ms. A. Dey, Advocate.

27.02.2026

FINAL ORDER

1. This present appeal has been filed for enhancement of the awarded compensation of Rs.7,83,636/-(Rupees seven lakhs eighty three thousand six hundred thirty six only) passed on 17.06.2025 by the learned Member, Motor Accident Claims Tribunal No.1, Gomati Judicial District, Udaipur in T.S. (MAC) 55/2023.

2. The brief fact of this case is that on 02.08.2023 at about 5:00 PM, the wife of petitioner No.1, namely Gita Sarkar (since deceased), was standing at Jamjuri Bazar near the BJP Party Office along with another person when a motorcycle bearing No. TR-01-AD-7676, driven in a rash and negligent manner, hit them. Gita Sarkar sustained grievous injuries and was shifted from Gomati District Hospital to AGMC & GBP Hospital, Agartala, where she succumbed to her injuries on 04.08.2023. In connection with the accident, Kakraban P.S. Case No. 82/2023 was registered under Sections 279/338 IPC and relevant provisions of the Motor Vehicles Act.

3. The claimants, being the legal representatives of the deceased, filed a claim petition seeking compensation of Rs.31,50,000/-, asserting that the deceased, aged about 59 years, earned approximately Rs.15,000/- per month from poultry business and was the family's breadwinner. The owner and rider of the motorcycle contested the claim denying negligence, while admitting that the vehicle was insured with HDFC ERGO General Insurance Company Ltd.. The insurer also denied the material averments of the claim.

4. Upon trial, the learned Motor Accident Claims Tribunal No.1, Gomati Judicial District, by judgment dated 17.06.2025, awarded compensation of Rs.7,83,636/- with interest @7.5% per annum from the date of filing of the claim petition, directing the insurer to pay the amount. Being aggrieved thereby, the present appeal has been preferred seeking the following reliefs:-

- “(1) admit the appeal;
(2) call for the records from the Ld. Tribunal below;
(3) issue notice upon the respondents;
and*

(4) after hearing the parties would further be pleased enough to modify the impugned judgment and the awarded compensation of Rs.7,83,636/- (Rupees seven lakhs eighty three thousand six hundred thirty six only) passed on 17.06.2025 by the Ld. Member, Motor Accident Claims Tribunal No.1, Gomati Judicial District, Udaipur in T.S. (MAC) 55/2023, to the extent of Rs. 31,50,000/- or more, to the extent prayed by the appellants before the Ld. Tribunal otherwise the appellants would be highly prejudiced.”

5. Ms. M. Basu, learned counsel appears for the appellants and Ms. A. Dey, learned counsel appears for the respondents.

6. Heard learned counsel for the parties and perused the evidence on record.

7. The Tribunal, in absence of documentary proof of income, did not accept the claim of Rs.15,000/- per month as income of the deceased on the ground that although it was stated that she was a housewife engaged in household work and poultry business, no proof of such income was produced. The Tribunal, however, observed that a housewife performs skilled work and contributes to the family and notionally assessed her monthly income at Rs.8,000/-.

8. This Court finds that once the Tribunal itself observed that a woman engaged in household work performs skilled services and would reasonably earn about Rs.10,000/- per month, fixation of income at Rs.8,000/- was on the lower side. Household services rendered by a homemaker must be given due recognition. Accordingly, this Court considers Rs.10,000/- per month to be a fair and reasonable notional income. Hence, the appeal stands allowed to this extent and the monthly income is enhanced from Rs.8,000/- to Rs.10,000/-.

9. Accordingly the revised calculation is therefore as follows:-

Monthly income : Rs.10,000/-

Addition of 10% towards future prospects : Rs.1,000/-

Total : Rs.11,000/-

10. After deduction of one-third towards personal and living expenses (Rs.3,666/-), the monthly dependency comes to Rs.7,334/-, the annual dependency is thus Rs.88,008/-.

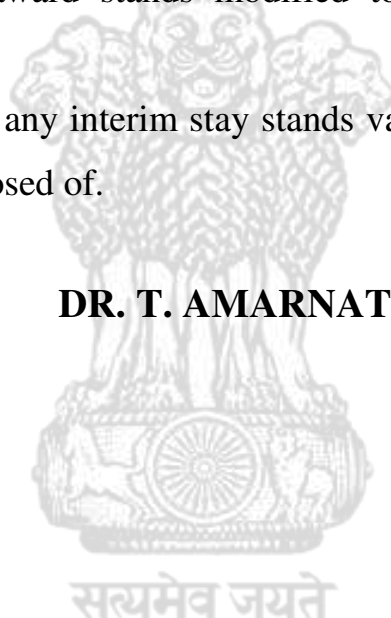
11. Applying the multiplier of 9, as adopted by the Tribunal, the loss of dependency comes to Rs.7,92,072/-.

12. After adding the compensation awarded under other conventional heads by the Tribunal, namely Rs.15,000/-, Rs.15,000/- and Rs.1,20,000/-, the total compensation is re-assessed as:-Rs.7,92,072/- + Rs.15,000/- + Rs.15,000/- + Rs.1,20,000/- = Rs.9,42,072/- (Rupees nine lakhs forty two thousand seventy two only).

13. Accordingly, the appeal is partly allowed to the extent indicated above. The impugned award stands modified to the aforesaid extent.

14. As a consequence, any interim stay stands vacated. Pending applications, if any, also stand disposed of.

DR. T. AMARNATH GOUD, J



Suhanjit

RAJKUMAR
SUHANJIT SINGHA

Digitally signed by RAJKUMAR
SUHANJIT SINGHA
Date: 2026.02.27 15:42:44
+05'30'