

THE HIGH COURT OF TRIPURA
AGARTALA

MAC APP. NO.73 OF 2011

1. State of Tripura,
Represented by the Secretary,
Department of Sports and Youth Affairs,
New Capital Complex, P.O.-Kunjaban,
Agartala, Tripura West.
2. Director of Sports & Youth Affairs,
Government of Tripura,
P.O.-Agartala, Tripura West.

..... **Appellants.**

- V e r s u s -

Sri Rajib Deb,
S/O. Shri Manindra Chandra Deb,
Resident of village Bardowali,
P.O.-Arundhutinagar, Agartala,
Tripura West.

..... **Respondent-Claimant.**

BEFORE
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA

For the appellants : Mr. G.S. Bhattacharji,
Advocate.

For the respondent : None.

Date of hearing and : 01.07.2015.
delivery of judgment
and order.

Whether fit for reporting : **NO.**

JUDGMENT & ORDER (ORAL)

This is an appeal filed by the State against the award dated 20-04-2011 passed by the learned Motor Accident Claims Tribunal, Court No.2, West Tripura, Agartala in case No. T.S.(MAC)

187 of 2007 awarding compensation of Rs.94,610/- in favour of the claimant.

2. The main ground raised by the State is that the injured was travelling on a motorcycle and this motorcycle hit the vehicle owned by the State of Tripura from behind. The case of the petitioner was that he was standing on the side of the road and that his friend was sitting on a stationary motorcycle and he was talking to his friend. The petitioner stated this in his affidavit filed in evidence and the only suggestion put to him in cross-examination is that he was, in fact, riding the motorcycle No.TR-01-D-7820 and this vehicle dashed the Government vehicle from behind. This suggestion was denied by the petitioner. The State did not produce the driver of the Government vehicle in support of its case. Only one witness Sri Kumar Jamatia was produced who though supported the version of the State in examination-in-chief, in cross-examination clearly stated that he was not an eye witness to the occurrence. If he was not an eye witness to the occurrence, how could he state anything as to how the accident happened?

3. Therefore, I find no merit in the appeal which is accordingly dismissed.

4. Send down the lower court records forthwith.

CHIEF JUSTICE