

THE HIGH COURT OF TRIPURA
A G A R T A L A

MAC APP. NO.53 OF 2011

Claimant Appellant :

- 1. Sri Angaya Mog,**
Son of late Pairi Mog,
Resident of North Banamalipur,
P.O. Agartala, P.S. East Agartala
District- West Tripura.

By Advocate :

Mr. A. Dey, Advocate.

Respondents :

- 1. Sri Jaharlal Sarkar,**
Son of late Sital Chandra Sarkar,
Resident of Jolaibari,
P.O. Jolaibari, P.S. Baikhora,
District- South Tripura.
- 2. Sri Sambhu Roy,**
Son of Sri Brajendra Kumar Roy,
Resident of Jolaibari,
P.O. Jolaibari, P.S. Baikhora,
District- South Tripura.
- 3. The Regional Manager,**
The New India Assurance Company Limited,
4, Mantribari Road, P.O. Agartala,
P.S. West Agartala,
District- West Tripura.

By Advocate :

Mr. P. Chakraborty, Advocate.

B E F O R E
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA

Date of hearing &
Judgment & Order : **30.07.2015**

Whether fit for reporting : **No**

JUDGMENT & ORDER(ORAL)

This appeal by the claimant is directed against the award dated 12.11.2010 passed by the learned Motor Accident Claims Tribunal, Court No.3, West Tripura, Agartala whereby the Motor Accident Claims Tribunal held that the claimant had failed to prove that he received injuries in a motor vehicle accident.

(2) The claim petition was filed by the claimant alleging that on 22.12.2006 at about 5.00 p.m. he was returning home from Harina Bazaar towards his house. On the way at Goachand one truck bearing registration No. TR 01-C-1844 came from opposite side. The truck was being driven in a rash and negligent manner and this truck hit the claimant resulting in serious injuries to him. The injured was straightway taken to the hospital at Manu and from there he was referred to the G.B Hospital on the next day i.e. 23.12.2006. He remained in this hospital till 19.02.2007 and was discharged. Thereafter, he was readmitted in the hospital on 12.03.2007 and discharged on 22.03.2007.

(3) The claimant claimed that he is a permanent worker under Sabroom Rubber Producer Society, Goachand, Sabroom and used to earn Rs.4000/- per month at the relevant time. The driver of the truck was not made a party to the petition. The owners of the truck were made parties and denied that the accident had taken place. The insurance company also denied the accident.

(4) In the present case, the claimant did not produce any record of his treatment at Manu hospital. He produced the record with regard to his treatment at Agartala from 23.12.2006 to 19.2.2007 and from 12.3.2007 to 22.3.2007. In both the discharge

summaries there is no mention that the claimant received any such injuries in a road traffic accident. The normal practice in Tripura is that in case in the hospital the doctors are informed that the injuries have been sustained in a motor vehicular accident then they mention RTA in the discharge summary. There is no such mention in the discharge summary of the petitioner. This by itself may not have been fatal but I find that though the accident is alleged to have occurred near Manu on 22.12.2006, the complaint to the police was made for the first time on 15.6.2007 that is almost 6 months later.

(5) In the GD entry, it is mentioned that the complainant could not lodge the complaint because of ignorance of law and he has now filed the complaint. No other record has been produced to show whether any action was taken on the basis of this G.D entry. No police investigation was carried out. No charge sheet has been proved. No report of the police under Section 173 of Cr.P.C. has been produced to show that this vehicle was involved in the accident. For the first time, the number of the vehicle is disclosed 6 months after the accident. If an accident had happened as claimed by the petitioner then even if he was unwell, his family members or relatives would have filed a complaint to the police. The complainant works in a society. The co-workers in the society would have also taken note of these facts and, therefore, I am of the considered view that the learned Tribunal was fully justified in rejecting the claim petition.

(6) Therefore, I find no merit in the appeal which is accordingly dismissed.

(7) Send down the lower court records forthwith.

CHIEF JUSTICE

Dipesh