

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

MAC App. No. 32 of 2012

Appellant:

- 1. The Oriental Insurance Co. Ltd. ,**
Having its Divisional Office at 44/2, Central Road,
Kaman Chowmuhani, P.S-Agartala, P.S. East
Agartala, District-West Tripura.

By Advocate :

Mr. K. Bhattacharji, Adv.

Claimant-Respondent No.1 :

- 1. Shri Haripada Ghosh,**
S/o. Late Amar Chand Ghosh, Resident of
Village-South Nayapara, P.S-Dharmanar, District-
North Tripura.

Owner-Respondent No.2 :

- 2. Shri Babulal Sharma,**
S/o. Late Hiralal Sharma, Resident of Village-
West Radhapur, P.S. Dharmanagar, District-
North Tripura.
(Owner cum drivers of vehicle No.TR-02-A-2436,
Auto Rickshaw.)

Owner-Respondent No.3 :

- 3. Md. Khalil Miah,**
S/o. Late Mustafa Miah, Resident of Village-
Kameswar, P.S. Dharmanagar, District-North
Tripura.
(Owner and driver of numberless Auto Riskshaw
bearing Chassis No.22C-9604482, Engine No. Nil.

By Advocate :

Mr. A. Dasgupta, Adv.

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

Date of hearing &
Judgment & Order : **18th November, 2015.**

Whether fit for reporting :

Yes	No
	√

JUDGMENT & ORDER (ORAL)

This appeal by the Insurance Company is directed against the judgment
dated 26.07.2011 delivered by the learned Motor Accident Claims Tribunal, North

Tripura, Dharmanagar in Title Suit (MAC) 48 of 2010 whereby the Tribunal awarded a sum of Rs.70,572/- in favour of the claimant.

[2] The only ground taken by the insurance company in this appeal is that the learned Tribunal should have apportioned the liability to pay the compensation between the insurance company and respondent No.3 who was the owner of the second vehicle.

[3] No doubt in the clam petition as well as in the examination-in-chief, the claimant had stated that there was a head on collision between two vehicles, but he had not stated which vehicle was at fault. When the claimant was crossed examined he has clearly stated that the other auto rickshaw owned by Md. Khalil Miah was visible from their auto and if the auto driver of his auto press the break the accident would not have occurred. He has also stated that the auto rickshaw in which he was travelling was in a high speed and the road was empty. He has also in cross-examination clearly stated that the driver of his auto rickshaw was at fault.

[4] The insurance company choose not to lead any other evidence to rebut the statement of the claimant. Therefore, I find no merit in the appeal which is accordingly, dismissed. No order as to costs.

Send down the LCRs forthwith.

CHIEF JUSTICE