

THE HIGH COURT OF TRIPURA
AGARTALA

MAC APP. NO.111 OF 2011

United India Insurance Company Limited,
Represented by its Divisional Manager,
Agartala Branch, R.M.S. Chowmuhani,
P.O. Agartala,
P.S.-West Agartala,
District-West Tripura.

..... **Appellant.**

- V e r s u s -

1. Shri Joy Kumar Debbarma,
S/O. Late Ishan Chandra Debbarma,
Village-Matiabari,
P.S. Sidhai, P.O. Sidhai,
District-West Tripura.
2. Smt. Belpati Debbarma,
W/O. Shri Joy Kumar Debbarma,
Village-Matiabari,
P.O. Sidhai, P.S. Sidhai,
District-West Tripura.
3. Smt. Jamuna Debbarma,
W/O. Shri Dilip Debbarma,
Village Abhoynagar, P.S.-East Agartala,
P.O. Abhoynagar,
Abhoynagar Road,
Near Sachin Deb Barman Setu,
District-West Tripura.
(Owner of TR-01-A-2203 Commander Jeep).

..... **Respondents.**

BEFORE
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA

For the appellant : None.

For the respondents : None.

Date of hearing & judgment : 26.08.2015.

Whether fit for reporting : **NO.**

JUDGMENT & ORDER(ORAL)

On 10.8.2015 none had appeared for the parties and this Court had adjourned the case for today and it had been clearly stated that if none appears today also, then the appeal would be disposed of on merits.

2. This appeal by the Insurance Company is directed against the award dated 30-07-2011 passed by the learned Motor Accident Claims Tribunal, Court No.2, West Tripura, Agartala in case No. T.S.(MAC) 460 of 2006 whereby the Tribunal awarded a sum of Rs.3,26,000/- in favour of the claimant.

3. The facts of the case are that the claimant along with her relatives was travelling in a commander jeep bearing registration No.TR-01-A-2203. This jeep met with an accident. The son of the claimant received serious injuries and died as a result of the injuries sustained. The claimant being the mother filed the claim petition and the learned Tribunal awarded Rs.3,26,000/- to the claimant.

4. The main ground taken in the grounds of appeal is that the driver of the vehicle had procured his license from Manipur District Transport Office and that the Insurance Company on investigation had obtained a report that the driving license of the driver Amrit Debbarma was not issued by the said Transport Authority which would indicate that the driving license was fake. The Insurance Company did not examine any witness from the Licensing Authority to prove that the driving license was fake. The

only witness examined by the Insurance Company was the Administrative Officer who states that he received a report from the Imphal Transport Authority regarding the issuance of a driving license. Such a letter is no evidence. In case, the Insurance Company wanted to prove that the driver did not have a valid driving license, it ought to have summoned an official from the Imphal Transport Authority, Manipur along with record to prove that the driving license in favour of the driver was fake. This having not been done, the learned Tribunal was justified in holding the Insurance Company liable to pay the compensation.

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

6. Send down the lower court records forthwith.

CHIEF JUSTICE