

THE HIGH COURT OF TRIPURA
AGARTALA

MAC APP. NO.112 OF 2011

Smt. Namita Paul,
W/O. Sri Dipak Chandra Paul,
Old Thana Lane, Banamalipur,
Agartala, Tripura West.

..... **Appellant.**

- V e r s u s -

1. Sri Sibabrata Deb,
S/O. Sri Anil Chandra Deb,
Taranagar, Sidhai Mohanpur,
District-West Tripura.
(Owner of the Vehicle-Commander Jeep
Bearing No.TR-01-2121).
2. National Insurance Company Limited,
Agartala Branch, Akhaura Road,
Agartala, P.S.-West Tripura.
3. Sri Anil Chandra Debnath,
S/O. Late B.M. Debnath,
Sidhai Mohanpur, P.S.-Sidhai,
District-West Tripura.
(Owner of the vehicle-Bearing
No.TR-01-A-1289, Mini Bus).
4. Oriental Insurance Company Ltd.,
Agartala Branch, Agartala.

..... **Respondents.**

BEFORE
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA

For the appellant : Mr. A. Pal, Advocate.

For the respondent No.1 : Mr. S. Bhattacharji, Advocate.

For the respondent No.3 : Mr. D.C. Saha, Advocate.

Date of hearing & judgment : 30.09.2015.

Whether fit for reporting : **NO.**

JUDGMENT & ORDER(ORAL)

This appeal is directed against the order dated 27.06.2009 passed by the learned Motor Accident Claims Tribunal, Court No.1, West Tripura, Agartala in T.S.(MAC) No.561 of 2006 whereby the claim petition filed by the claimant was dismissed on the ground that the claimant had not produced any evidence despite various opportunities being granted.

2. From the record of the trial court I find that issues were framed on 29.01.2008 and the matter was adjourned to 28.03.2008 for evidence of the claimant. On that date no evidence was led and the case was adjourned to 24.05.2008. Thereafter, the case was referred to Lok Adalat on 22.6.2008 but no settlement could be arrived at and the matter was sent back to trial Court on 23.6.2008. Thereafter, the case was adjourned to 14.8.2008 for evidence of the claimant. Again no evidence was led and the case was fixed on 02.11.2008 for evidence. Again no evidence was led and a request for adjournment was made and the case was adjourned to 05.01.2009. It was found that the claimant filed his affidavit-in-chief on 24.05.2008 and the matter was then adjourned to 03.03.2009 for further examination, if any, and the cross examination of the claimant. On 03.03.2009 the claimant did not appear. Again on 30.04.2009 he did not appear and lastly, the matter was listed on 27.06.2009 when again the claimant did not appear.

3. I am clearly of the view that the learned Tribunal was fully justified in passing the impugned order. However, keeping in view the fact that this claim petition has been filed by the claimant claiming compensation for injuries allegedly received in a motor vehicle accident, in the interest of justice I grant one more date to the claimant to appear in the witness box and face the cross-examination subject to payment of Rs.2,000/- (rupees two thousand) as costs to the opposite party. The parties are directed to appear before the Motor Accident Claims Tribunal, Court No.1, Agartala, West Tripura on **18th November, 2015**. On that date the claimant shall pay the costs and be present in person to get herself cross-examined. If she is not present or costs are not paid, then this claim petition shall be dismissed by the learned Tribunal. In case, the claimant is present and is cross-examined, then the Insurance Company and the owner can be permitted to lead evidence to the contrary and contest the case on merit. It is made clear that the Tribunal under no circumstances shall grant any further date to the claimant.

4. The appeal is disposed of in the aforesaid terms.

5. Send down the lower court records forthwith.

CHIEF JUSTICE