

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

MAC App. No. 113 of 2011

Appellant:

Sri Uttam Paul,

S/o. Lt. Suresh Ch. Paul, P.O & P.S-
Teliamura, Rajnagar, Dist.-West Tripura.

By Advocate :

Mr. A. Paul, Adv.

Respondents :

1. Sri Sibabrata Deb,

S/o. Sri Anil Chandra Deb, Taranagar, Sidhai
Mohanpur, Dist.-West Tripura (Owner of the
vehicle-Commander Jeep Bearing No.TR-01-
2121).

2. Oriental Insurance Co. Ltd.,

Agartala Branch, Agartala.

3. National Insurance Company Limited,

Agartala Branch, Akhaura Road, Agartala, P.S-
West Agartala.

4. Sri Anil Chandra Debnath,

S/o. Late B. M. Debnath, Sidhai Mohanpur, P.S-
Sidhai, Dist.-West Tripura (Owner of the
vehicle-bearing No. TR-01-A-1289, Mini Bus)

By Advocate :

Mr. P. Gautam, Adv.

B E F O R E

HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA

Date of hearing &
Judgment & Order : **28th July, 2015.**

Whether fit for reporting :

Yes	No
	✓

JUDGMENT & ORDER (ORAL)

This appeal is directed against the order dated 27.06.2009 passed
by the learned of the Motor Accident Claims Tribunal, Court No.1, West Tripura,
Agartala in T.S(MAC) No.560 of 2006 whereby the claim petition filed by the

appellant-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. Again no evidence was led and the case was fixed on 19.08.2008 for evidence. Again no evidence was led and a request for adjournment was made and the case was adjourned to 03.11.2008. The claimant filed his affidavit-in-chief on 3.11.2008 and the matter was then adjourned to 06.01.2009 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.2000/- as costs to the opposite party. The parties are directed to appear before the Motor Accident Claims Tribunal, Court No.1, Agartala on **26th August, 2015**. On that date the claimant shall pay the costs and be present in person to get himself cross-examined. If he 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. No order as to costs.

Send down the LCRs forthwith.

CHIEF JUSTICE