

**HIGH COURT OF TRIPURA
AGARTALA
Review Petn. 12 of 2024**

Smt. Sanju Sarkar (Das) & Ors.	Petitioner(s)
Sri Sukesh Deb & Anr.	Respondent(s)
Versus	

For Petitioner(s)	:	Mr. DK. Daschoudhury, Advocate.
For Respondent(s)	:	None

**HON'BLE MR. JUSTICE T. AMARNATH GOUD
ORDER**

29.07.2024

Heard Mr. DK. Daschoudhury, learned counsel appearing for the petitioners. None appears for the respondents.

[2] The present review petition has been filed under section 114 of the Code of Civil Procedure, 1908 read with Section 169 of the Motor Vehicles Act, 1988 for review of the order dated 21.06.2024 passed in MAC. APPEAL No. 119 of 2023 arising out of the Judgment and Award dated 19.03.2019 passed in TS (MAC) 26 of 2014.

[3] Being aggrieved and dissatisfied with the impugned order dated 21.06.2024, passed in Mac. Appeal No. 119 of 2023, the petitioners herein, seeking the following reliefs:-

- "i. Admit the review petition.*
- ii. Notice the opposite parties.*
- iii. Call for the records of the case No. MAC. Appeal 119/2023 from the registry of this Hon'ble High Court.*
- iv. Review order dated 21.06.2024 passed by this Hon'ble High Court in case No. MAC. Appeal 119/2023 and pass appropriate order imposing liability of payment of awarded compensation upon the insurance company.*
- v. Such other reliefs as sought for in the memorandum of appeal."*

[4] Mr. D. K. Daschoudhury, learned counsel for the petitioners submits before this Court that Exbt.1 (Series)-seizure list, as produced by the claimant himself (respondent herein) before the learned tribunal was sufficient to prove the fact of existence of valid driving license of the driver and the insurance policy and basing upon those documents learned Tribunal could have imposed the liability of payment of awarded compensation to the insurance company but instead of that the learned Tribunal imposed the liability of payment of compensation to the owner of the vehicle.

[5] Having heard the submission of the learned counsel for the petitioners and on perusal of the record, this Court is of the opinion that the review as sought by the learned counsel for the petitioners is allowed and thus, the matter be remanded back to the learned tribunal below for re-examination of the insurance documents, if any, in support of their defence and to pass appropriate orders in accordance with law as per procedure. Accordingly, the same is ordered.

In view of the above, the matter is remanded back to the learned Tribunal below and the petition stands disposed of. As a sequel, miscellaneous application(s), pending if any, shall stand closed.

JUDGE

Paritosh

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SUHANJIT SINGHA
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