HIGH COURT OF TRIPURA
AGARTALA
MAC.APP. NO.79 OF 2025

THE DIVISIONAL MANAGER, The Oriental Insurance Co., Ltd. Near Sarkar Nursing Home, Post Office Chowmuhani P.S.-Agartala, West Tripura, A Company registered under the Companies Act, 1956, represented by the Assistant Manager cum Officer in Legal Hub / Authorized Signatory, Agartala Division Office.

……..Appellant(s).

VERSUS

1. **SMT. ANITA DEBNATH**,W/O-Lt. Jagadish Debnath,Resident of Noagaon,P.S.- Ranirbazar, West Tripura.

2. **SRI RAJDEEP DEBNATH**, S/O-Lt. Jagadish Debnath, Resident of Noagaon, P.S.- Ranirbazar, West Tripura

(The claimant/Respondent No. 2 being minor is represented by the claimant/Respondent No. 1 being mother and natural guardian.)

…….Claimants/Respondents

3. **SRI KESHAB SARKAR**, S/O-Sri Kajal Kanti Sarkar, Resident of subashnagar, Jirania, Madhyapara, PS - Jirania, Dist.- West Tripura. [owner of Truck No. TR-01-AF-1819]

4. **SMT. SANTI BALA DEBNATH**, W/O.Lt. Maniklal Debnath, esident of west Noagaon, P.S.- Ranirbazar, West Tripura. (Mother of deceased).

……..Respondents

Present:

For the Appellant (s) : Mr. B. Majumder, Advocate.
Ms. P. Nama, Advocate.

For the Respondent(s) : Mr. K.K. Pal, Advocate.
Mr. S. Datta, Advocate.

BEFORE
HON'BLE JUSTICE DR. T. AMARNATH GOUD

31.10.2025

Order

1. This is an appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the common impugned judgments and award dated 10.03.2025, passed by the learned Member, Motor Accident Claims Tribunal No. 4, West Tripura, Agartala, in Case No. T.S. (MAC) 190 of 2021 and T.S. (MAC) 49 of 2022, with a direction upon the appellant-Insurance Company to pay the awarded amount to the claimants at the first instance and thereafter recover the same from the owner of the truck bearing No. TR-01-AF-1819 as per the principle of "*pay and recover*" accordingly.

2. Heard Mr. B. Majumder, learned counsel appearing for the appellant-Insurance Company, as well as Mr. S. Datta, learned counsel appearing for the respondents.

3. Mr. Majumder, learned counsel appearing for the appellant, submits that the learned Tribunal, under misconception and misinterpretation of law, has passed the impugned erroneous judgment and award, and the same is liable to be set aside.

4. Heard learned counsel for the parties. Upon perusal of the impugned judgments and award as well as the materials on record, this Court finds no infirmity or illegality warranting interference with the findings arrived at by the learned Tribunal. The award passed by the learned Motor Accidents Claims Tribunal is found to be just, fair, and based on proper appreciation of evidence. Accordingly, the impugned judgments and award are upheld and affirmed. The appeal, being devoid of merit, stands dismissed.

5. As a sequel, the stay, if any, stands vacated. Pending application(s), if any, also stand closed.

DR. T. AMARNATH GOUD, J

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HIGH COURT OF TRIPURA

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