

**BEFORE
HON'BLE THE CHIEF JUSTICE MR. T. VAIPHEI**

Present:

For the appellant : Mr. P. Gautam, Advocate.

For the respondents 1 to 5: Mr. H. Deb, Advocate.

For the respondent No.9 : Mr. Biswanath Majumder,
Advocate.

30.11.2017.

Heard Mr. P. Gautam, the learned counsel for the appellant. Also heard Mr. H. Deb, the learned counsel for the respondent Nos.1 to 5 and Mr. Biswanath Majumder, the learned counsel for the respondent No.9.

No representation from the respondent Nos.6, 7 and 8 despite proper service of notice upon each of them.

This appeal is directed against the judgment dated 15.06.2012 passed by the learned Member, Motor Accident Claims Tribunal (IST), North Tripura, Kailashahar in Title Suit (MAC) No.05 of 2012 awarding a compensation of ₹6,86,500/-, out of which the liability of the appellant (Bajaj Allianz General Insurance Company Ltd.) is apportioned at ₹5,86,500/-, while the liability of the respondent No.9, i.e. the Oriental Insurance Company Limited is limited to ₹1,00,000/-.

The grievance of the appellant-insurer is that while passing the impugned judgment, the Tribunal did not take into account the charge-sheet filed by the police in connection with the accident which would clearly indicate that the other vehicle (TR-02-A-0602) insured by the respondent No.9 was the vehicle responsible for the accident and that had this charge-sheet been properly examined by the Tribunal, the

appellant would not have any liability at all. He, therefore, submits that there is no infirmity in the impugned judgment warranting the review of the impugned judgment.

In my opinion, the contention of the learned counsel for the appellant is noted only to be summarily rejected in view of the settled law of the land which held that the charge-sheet submitted by the police is merely an opinion of the police officer conducting an investigation and is not evidence. As the contents of the charge sheet cannot be looked into to support the case of the appellant, there is no reason to interfere with the impugned judgment. Under the circumstances, this appeal has no legs to stand on. No other issues survive for consideration in this appeal.

Resultantly, the appeal, which is devoid of merit, is dismissed. The appellant is directed to deposit the entire amount due together with the interest accrued thereon to this Registry within a period of 2(two) months for payment to the claimant-respondents. As and when the amount with the interest accrued thereon is deposited, the same will be released to the claimant-respondents in accordance with the stipulation made by the Tribunal. Any amount already deposited shall stand adjusted. Transmit the L.C. record.

CHIEF JUSTICE

Pulak