

**HIGH COURT OF TRIPURA
AGARTALA
MAC. APP. NO.38 OF 2025**

The Oriental Insurance Company Ltd.

.....Appellant(s)

Versus

Smt. Lalsandami Halam & Ors.Respondent(s)

For the Appellant(s) : Mr. R. Saha, Advocate.
For the Respondent(s) : Mr. T.K Bhattacharyya, Advocate.

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

31.07.2025

[1] This present appeal has been filed under Section 173 of the M.V. Act 1988 read with section 168 of the Act, filed by the appellant, insurance company, challenging the judgment and award dated 08.01.2025, passed by the learned Motor Accident Claims Tribunal Dhalai Tripura, in T.S. (MAC) No. 02 of 2023.

[2] The appellant has prayed for the following reliefs:-

“(i) Admit the present Appeal condoning the delay of 10 days in preferring the present appeal;

(ii) Issue notice upon the respondents;

(iii) Call for the case records from the Learned Motor Accident Claims Tribunal, Dhalai Tripura District, Kamalpur, Tripura, in Case No. T.S. (MAC) 02 of 2023.

(iii) After hearing the parties be pleased enough to set aside/ quash and modify the impugned judgement and award dated 08.01.2025, passed by the Learned Tribunal below and may be kind enough to pass an appropriate order in terms of the law laid down by the Hon'ble Apex Court by passing the various judgments in this regard, for the fair ends of justice.

(iv) Pending disposal of the present appeal, stay the operation of the impugned judgment and Award dated 08.01.2025 in Case No. T.S. (MAC) 02 of 2023, passed by the Learned Motor Accident Claims Tribunal, Dhalai Tripura District, Kamalpur, Tripura; AND Pass such other order or orders as the Hon'ble High Court may seem fit and proper

(iv) Pending disposal of the present appeal, stay the operation of the impugned judgment and Award dated 08.01.2025 in Case No. T.S. (MAC) 02 of 2023, passed by the Learned Motor Accident Claims Tribunal, Dhalai Tripura District, Kamalpur, Tripura;”

[3] Brief facts leading to this case is that on 03.04.2023, while the victim was returning to his house from local market walking on foot, all on a sudden a motorbike bearing No. TR-04C-4807 came from the

opposite direction in a rash and negligent manner at a high speed and dashed the victim. He was instantly taken to Dhalai District Hospital, Kulai by the local people where the victim succumbed to injuries on the same day. Thereafter, a case was registered in the local police station and the claimants claimed compensation to the tune of Rs. 55,53,000/-.

[4] Thereafter, the Motor Accident Claims Tribunal, Kamalpur, Dhalai District in Case No. T.S. (MAC) No. 02 of 2023 passed the award on 08.01.2025 in the following manner:-

ORDER

16. In the result, claim is awarded in following terms :-

(i) Claimant petitioners are entitled to get the award of Rs 53,38,200 /- (Rupees fifty three lakhs thirty eight thousand and two hundred) only along with 9% simple interest per annum from the date of the petition i.e. w.e.f. 14.06.2023 till the date of realization thereof from the O.P. No.2 the Oriental Insurance Co. Ltd.

(ii) 40% of the award for the claimants Smt. Lalsandami Halam and Smt. Rani Halam be invested by purchasing separate Fixed Deposit Certificates from Nationalized Bank for a period of five years with auto renewal facility and the claimant petitioners shall open savings account in the same bank. The entire share of the minor shall be invested by purchasing Fixed Deposit Certificate from Nationalized Bank and the same shall not be encashed till they attain majority or without prior permission of this Tribunal. No loan or advance or pre-mature withdrawal shall be allowed without prior sanction of this Tribunal. The interest accrued on the fixed deposit certificates of the claimants petitioners including the minor children shall be directly transmitted to the individual savings accounts by the concerned bank. It is also directed that the interest accrued on the Fixed Deposit Certificate of the minor children shall be spent for the welfare of the minor children. The concerned bank shall retain the original fixed deposit certificates and the copies of the certificates to be handed to all the claimant petitioners. The claimant petitioners are directed to submit photocopies of their bank passbook.

(iii) The O.P. No.2 the Oriental Insurance Co. Ltd. shall deposit the amount so ordered along with interest thereon within one month to this Tribunal from the date of the order.

(iv) Copy of this order so awarded to be served upon the parties not less than 15 days from the date of this award.

(v) The case stands disposed of on contest.

(vi) Enter the result.

(vii) The judgment and order, as above delivered on this the 08th Day of January, 2025 under the hand and seal of this Court.

[5] Being aggrieved and dissatisfied with the judgment and award dated 08.01.2025 passed by the learned Motor Accident Claims Tribunal Dhalai Judicial District in case No. T.S. (MAC) 02 of 2023 the present appeal has been preferred by the appellant-Insurance Company.

[6] Heard Mr. R. Saha, learned counsel appearing for the appellant-Insurance Company. Also heard Mr. T.K. Bhattacharyya, learned counsel appearing for the claimant respondents.

[7] Mr. R. Saha, learned counsel appearing for the appellant-Insurance Company submits before this Court that the award of

compensation as passed by the learned court below is unsustainable in the eye of law and needs to be interfered with. Mr. Saha, learned counsel further submits that the monthly income of the deceased has been shown as 25,280/- without any basis and also the rate of interest as has been assessed by the learned tribunal below is 9% which is of higher side and the same needs to be reduced.

[8] Heard and perused the evidence on record.

[9] This Court in all related matters are fixing 7.5% interest and to maintain uniformity while comparing the bank rate of interest, which is also much less. Consequently, the claimants (respondents herein) would be entitled compensation as per the award passed by the learned Court below along with 7.5% interest per annum instead of 9% as awarded by the learned tribunal below. The awarded amount shall be deposited by the insurance company within a period of one month from today, if not deposited. However, it is made clear that on such deposit, the claimant respondents are at liberty to withdraw the same unconditionally as per procedure. This Court further directs the remaining order as passed by the learned court below shall remain un-altered.

[10] In the light of the above, the present appeal stands allowed to the extent as indicated above. As a sequel, miscellaneous application pending, if any, shall stand closed.

Send down the LCRs.

JUDGE