(2025) 05 TP CK 0614

In the Tripura High Court

Case No : Motor Accident Claim Appeal No. 136 Of 2024

Divisional Manager, Reliance General Insurance Company Ltd. APPELLANT

Vs

Mita Dey & Ors. RESPONDENT

Date of Decision : 16-05-2025

Acts Referred:

Indian Penal Code, 1860 — Section 279, 304(A)
Motor Vehicle Act, 1988 — Section 184, 187

Citation : (2025) 05 TP CK 0614

Bench : Single Bench

Advocate : T. Amarnath Goud, J

Final Decision : Dismissed

Judgement

T. Amarnath Goud, J

[1] Heard Mr. Samar Das, learned counsel appearing for the appellant- Insurance company. Also heard Mr. Sankar Lodh, learned counsel appearing for the respondent-claimants

[2] The story in brief is that on 05.01.2020, the victim was proceeding towards his house from G.B. Bazar, Agartala by riding his motorcycle bearing registration no.TR-01-AJ-7206 and on the way at about 1700 hours when he reached at Nandan Nagar near Half Quarter on G.B. Bazar-Nandan Nagar Road, one scooty bearing registration No.TR-01-AH-7558 which was coming from opposite direction with high speed being driven rashly and negligently by its rider suddenly dashed the motorcycle. As a result, the victim sustained grievous bleeding injuries on his chest, left upper limb and other parts of his body. Immediately after the accident he was shifted to AGMC & GBP Hospital by a fire service vehicle but before providing any medical assistance, the injured succumbed to his injuries. Thereafter, post mortem examination was also done over the dead body of the deceased. Concerning the accident, a police case was also registered with the New Capital Complex Police Station vide NCC P.S. Case No.08 of 2020 under Sections 279/ 304(A) of I.P.C. and Sections 184 & 187 of

M.V. Act, 1988. It was stated that at the time of death, deceased was 33 years old and he was a mason by profession and by doing this professional work, deceased used to earn Rs.16,000/-, per month.

[3] On perusal of the record and after hearing the learned counsel appearing for both the parties, the learned Court below passed the award in the following manner :-

O-R=DE=R

It is, therefore, held that the claimant petitioners are entitled to get compensation of Rs.26,28,200/- (Rupees twenty six lakh twenty eight thousand two hundred only) with interest @ 7% per annum with effect from 13.03.2020 i.e. the date of filing of the claim petition till the date of actual payment. The opposite party No.2 i.e. The Divisional Manager, Reliance General Insurance Company Ltd. will pay the amount of compensation with interest within 30 days from today in terms of Section 168(3) of M.V. Act, 1988.

Out of the awarded amount of compensation inclusive of interest, the claimant petitioner no.1 will get 40% and the claimant petitioners no.2, 3 and 4 will get 20% each. Out of the respective share of the claimant petitioners no.1, 2, 3 and 4, 50% each of their respective share shall be kept in fixed deposit scheme in their respective name with any Nationalized Bank of their locality for a period of five years, each and the remaining 50% of their respective share shall be paid to them through their respective bank account. The claimant petitioners no.1, 2, 3 and 4 shall, however, be at liberty to withdraw monthly interest from their respective fixed deposit account to meet their day to day expenses. No loan or withdrawal shall be permitted from/against any of the fixed deposit certificates without prior permission of this Tribunal.

Supply copy of this award free of cost to the parties.

The claim petition stands disposed of on contest.

Enter the result in the relevant Register as well as in the CIS…"

[4] Being aggrieved and dissatisfied with the award dated 19.09.2023 passed in T.S (MAC) 45 of 2020 by the learned Court below, the appellant–Insurance company approached this Court seeking the following reliefs:-

"i) Admit this Appeal;

ii) Call for records relevant to the subject matter of the case from the Learned Motor Accident Claims Tribunal, Court No. 1, West Tripura, Agartala pertaining to the Case No. T.S. (MAC) 45 of 2020;

iii) After hearing the parties be pleased enough to set aside/quash and modify the impugned judgment and award dated 19.09.2023, passed by the Learned Motor Accident Claims Tribunal, No. 1, West Tripura, Agartala, in Case No. T.S. (MAC) 45 of 2020, 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 19.09.2023, passed by the Learned Motor Accident Claims Tribunal, No. 1, West Tripura, Agartala, in Case No. T.S. (MAC) 45 of 2020."

[5] Mr. Samar Das, learned counsel appearing for the appellant-Insurance company submits before this Court that the judgment and award passed by the learned Court below is unsustainable and the same is not tenable in the eye of law as the monthly income of the victim determined by the learned Tribunal below to the tune of Rs.12,000/- per month was without any reason and the same is excessive and requests to reduce the same.

[6] On the other hand, Mr. Sankar Lodh, learned counsel appearing for the respondent-claimants has drawn the attention of this Court to the notification dated 4th August, 2023 issued by this Court, wherein skilled worker is getting the notional amount of Rs. 12,000/- per month fixed by this Court and prays before this Court for non-interference of the award passed by the learned Tribunal below.

[7] It is seen from the notification vide No.F.44 (11) – HC/2023/19504 Dated Agartala, the 4th August, 2023 of this High Court, wherein, the Skilled Worker is getting Rs.12,000/- and un Skilled Worker is getting Rs. 10,000/-. Even that apart, the Hon'ble Apex Court in one of its Judgment titled as Ramachandrappa versus Manager, Royal Sundaram Alliance Insurance Company Limited reported in (2011) 13 SCC 236 has fixed the notional amount of Rs.10,000/- way back in the year 2011 and in view of the escalation of the prices and living standard fixing Rs.12,000/- per month is reasonable and in support of said fixation the notification of this Court also supports the same. Hence, nothing requires for interference.

[8] In view of the above, this Court directs the appellant Insurance company to deposit the awarded amount within 01 month from today, if not already deposited and on such deposit the respondent- claimants are at liberty to withdraw the same unconditionally as per procedure. However, it is also made clear that all other aspects of the order dated 19.09.2023 passed by the learned Tribunal in T.S (MAC) 45 of 2020 shall remain unaltered.

[9] Registry is directed to return the statutory amount of Rs.25,000/- deposited by the Insurance company as per procedure.

[10] Accordingly, for the reasons indicated above, this appeal is liable to be dismissed and thus, it is dismissed. As a sequel, miscellaneous application(s), pending, if any, shall stand closed.