

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

MAC App. No. 5 of 2021

1. The Union of India, represented by the Secretary,
Home, Government of India.
2. The Commandant, 34th Assam Rifles, Agartala, Tripura.

.... *Appellants*

- *Versus* -

Md. Rahimuddin, aged about 52 years, S/o late Md.
Basirudding of Chirai Mayang Imphal, P.O. & P.S. Mayang
Imphal, Imphal West District, Manipur.

.... *Respondent*

**BEFORE
HON'BLE MRS. JUSTICE GOLMEI GAIPHULSHILLU**

06.06.2024

Heard Mr. S. Samarjeet, learned Sr. PCCG appearing for the appellants
and Mr. S. Jibon, learned counsel appearing for the respondent.

The present appeal has been filed under Section 173 of the Motor
Vehicles Act, 1988 against the Judgment & Order and Award dated 29/08/2019
passed by the Hon'ble Motor Accidents Claims Tribunal, Manipur in M.A.C. Case
No. 49 of 2011 and sought the following reliefs :

- i) to admit this appeal and call for records of M.A.C. Case No. 49 of
2011 and
- ii) to set aside the impugned judgment & order and award dated
29/08/2019 passed in M.A.C. Case No. 49 of 2011 as the same was
not passed after proper finding on the materials of the case.

During the course of hearing, the learned Sr. PCCG for the appellants
draws the attention of this Court's order dated 04.04.2024 passed in MC (MAC
App.) No. 6 of 2021 with MC (MAC App.) No. 1 of 2022. The relevant portion is
reproduced herein below:-

"[5] The miscellaneous cases are accordingly disposed of granting stay of the Award under appeal subject to the appellants depositing 50% of the amount awarded along with interest thereon, calculated till today, to the credit of Motor Accident Claims Case No. 49 of 2011 on the file of the Motor Accident Claims Tribunal, Lamphelpat, within two months from the date of receipt of a copy of this order."

Further, the learned Sr. PCCG for the appellants draws this Court attention to para nos. 17 and 18 of the impugned order. The relevant portions of the said paras are extracted herein below:-

"17. The claimant as PW No. 1 has stated that he was earning a monthly income of Rs. 8,000/- from his activities as a labourer and that he was 52 years old at the time of the occurrence of the accident. However no documentary evidence is produced by the claimant in support his claim that he was earning a monthly income of Rs. 80,000/- from his occupation as a labourer.

18. This Court has also examined that the claimant was admitted to the Shija Hospitals for his treatment. However, no medical documents or medical bills have been produced to ascertain as to how much money had been spent in his treatment and hence, he is not entitled to the claim amount of Rs. 10,00,000/- as medical expenses incurred during his treatment.

Hence, the claimant is entitled to the following award for compensation amount as detailed below:

<i>Sl. No.</i>	<i>Details of the award/compensation</i>	<i>Total amount</i>
<i>1.</i>	<i>Loss of earning during due to 15% permanent disability calculated as Rs. 3663/- X 12 months X 8 years = Rs. 3,51,648/- (calculated at the rate of Rs.3663/- per month for unskilled labour vide notification no. 5/289/91-Lab, dated 18/02/2011 of the Labour Department, Government of Manipur.)</i>	<i>Rs. 3,51,648/-</i>
<i>2.</i>	<i>Pain and suffering</i>	<i>Rs. 10,000/-</i>
<i>3.</i>	<i>Total</i>	<i>Rs. 3,61, 648/-</i>

Both the learned counsel for the parties admitted that:

1. There was an accident involving the motorbike (Bajaj Platina) of the respondent and the vehicle of the appellants i.e. Tata 407 truck on 31.12.2009, due to that accident, the respondent sustained bodily injuries thereby rendering 15% permanent injury.

2. Vide order dated 04.04.2022 passed in M.C. (MAC App.) No. 6 of 2021 at para no. 5, the appellants were directed to deposit 50% of the amount awarded with interest calculated till the day of passing the order to the account of Motor Accident Claim Tribunal within 2 (two) months. Accordingly, the appellants deposited the calculated amount and the same was already withdrawn by the respondent.
3. A sum of Rs. 20,000/- (Rupees twenty thousand) was paid to the respondent as agreed upon in an agreement deed dated 08.01.2010 executed between the two parties.

After hearing both the learning counsels at length and after going through the facts and circumstances narrated above and the above admitted facts, present case is disposed of by directing the appellants to pay the remaining half of the awarded amount without interest after deducting a sum of Rs. 20,000/- (Rupees twenty thousand) which has already been paid to the respondent as per the agreement deed dated 08.01.2010 and also a sum of Rs. 25,000/- (Rupees twenty five thousand) which has already been deposited to the Registry in connection with filing of the instant appeal as per under Section 173 of the Motor Vehicles Act, 1988, to the respondent within 2 (two) months. Further, it is directed to the appellants to deposit the said remaining amount of Rs. 1,35,824/- (Rupees one lakh thirty five thousand eight hundred twenty four) to the account of the Registrar General, High Court of Manipur.

The Registry is directed to release the said amount of Rs. 1,35,824/- (Rupees one lakh thirty five thousand eight hundred twenty four) with the said sum of Rs. 25,000/- (Rupees twenty five thousand) mentioned above in favour of the respondent subject to proper verification.

With the above direction, the present MAC App. No. 5 of 2021 is disposed of.

JUDGE