

**HIGH COURT OF TRIPURA
AGARTALA
Review Petn. 20 of 2024**

<i>The United India Insurance Co. Ltd. Versus Smt. Malati Sutradhar & Ors.</i>	<i>Petitioner(s) Respondent(s)</i>
---	---

For Petitioner(s)	:	Mr. P.Gautam, Advocate.
For Respondent(s)	:	Mr. D. Paul, Advocate.

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

11.09.2024

Heard Mr. P. Gautam, learned counsel appearing for the petitioner-Insurance Company. Also heard Mr. D. Paul, learned counsel appearing for the respondents.

[2] This present petition has been filed under Order 47 Rule 1 of CPC for review of the Judgment and Order (oral) dated 21.06.2024 passed by this Hon'ble Court in Mac. App No.112 of 2023.

[3] Heard both sides.

[4] The learned Court below has assessed the monthly income of the deceased as Rs. 15,000/- being a carpenter. But this Court following the notification dated 4th August,2023 framed by the High Court, wherein no income of proof of the injured/deceased issued by the competent authority is submitted, notional wages for determination of compensation in the claim cases/appeals involving accidents which has taken place on or before 31.12.2015 shall be Rs. 12,000/- for a skilled worker and in the present case accident had taken place in 2017. After taking consent from both sides and as

per schedule of the notification of this court, the income of the deceased is considered as Rs.12,000/-. Hence, Rs. 15000/- is reduced to Rs.12,000/-. Further there cannot be a litigation cost of Rs. 25,000/- under a head.

[5] As per judgment of the Hon'ble Supreme Court of India passed in National Insurance Company Ltd. Vs. Pranay Sethi & Ors. an addition of 40% of the income should be added towards future prospects. Thus the computation would be as follows :-

- i. Income per month Rs. 12,000/- only + 40% of the income towards future prospects Rs. 4,800/-=**Rs.16,800/-**
- ii. One third of Rs.16800/-=**Rs.5600/-**

The income per month comes after deducting the amount for personal expenses of the deceased is Rs. 16,800/--Rs.5,600=**Rs.11,200/-**. So, the loss of dependency is Rs.11,200 x12x16= **Rs.21,50,400/-**.

[6] This court considers the submission as advanced by the counsel for the petitioner that by an order dated 21.06.2024 this court had excessively awarded compensation under different heads and those need to be reduced to meet proper ends of justice. Therefore, compensation as awarded by this court under the head of loss of estate (Rs. 1,00,000/-) is reduced to the tune as mentioned below :-

Head	Amount
Funeral Expenses	Rs.18,000/-
Loss of Consortium	Rs.1,00,000/-
Loss of estate	Rs.15,000/-+Rs.1500/- (Rs.16,500)
Total	Rs. 1,34,500/-

[7] Hence, the total amounts comes to Rs. 21,50,400+Rs. 1,34,500/- =22,84,900/- (Rupees twenty two lakhs eighty four thousand and nine hundred) only. As per fresh calculation the claimants are entitled to get a sum of Rs. 22,84,900/- as total compensation which is to be paid by the Insurance Company along with 7.5% interest per annum with effect from the date of presentation of the claim petition till the date of actual payment.

[8] Accordingly, this review petition is disposed of with the above observation. As a sequel, miscellaneous application(s), pending if any, shall stand closed.

This order shall form part of the order dated 21.06.2024 passed in the connected appeal.

JUDGE



Paritosh

RAJKUMAR
SUHANJIT
SINGHA

Digitally signed
by RAJKUMAR
SUHANJIT
SINGHA
Date: 2024.09.13
12:11:37 +05'30'