

THE HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_

MAC APP. NO.75 of 2010

Smt. Papri Bhowmik,
W/o Sri Anil Ranjan Baidya,
Resident of Police Hospital Qtr.,
A.D. Nagar, P.S. West Agartala,
Dist - West Tripura.

..... *Appellant.*

- Vs -

1. **Sri Sudhir Adhikari,**
S/o Sri Haradhan Adhikari,
of Beltali, P.S. Amtali, Dist - West Tripura,
(Owner of the offending vehicle bearing registration
No.TR01-C-2343, CRUISER).
2. **National Insurance Company Ltd.,**
Represented by its Branch Manager,
having it's Branch Office at 42 Akhaura Road,
P.S West Agartala, Dist - West Tripura.

..... *Respondents.*

_B_E_F_O_R_E_
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA

For the appellant	:	Mr. S B Debnath, Advocate.
For the respondent No.2	:	Mr. G K Nama, Advocate.
Date of hearing	:	25.02.2015.
Date of judgment	:	27.3.2015.
Whether fit for reporting	:	No.

JUDGMENT & ORDER

This appeal by the claimant-appellant has been filed for enhancement of compensation and is directed against the award, dated 31st August, 2010 passed by the learned Motor Accident Claims Tribunal(Court No.4), West Tripura, Agartala in

Case No.TS(MAC)307 of 2008, whereby he awarded a sum of Rs.1,99,693/- as compensation in favour of the claimant.

2. The undisputed facts are that the claimant received injuries in a motor vehicle accident which took place on 27th March, 2008. The discharge certificate, Exbt.3, issued by the G.B.P Hospital, Agartala shows that the claimant was admitted to the hospital on 27th March, 2008 itself and discharged on 8th April, 2008 i.e. after 12 days.

3. She was referred to the S.S.K.M Hospital, Kolkata. It is mentioned that she could travel in sitting condition by AIR. The discharge certificate issued by the S.S.K.M Hospital shows that she visited the hospital on 11th April, 2008 and she was referred to the plastic surgery OPD. Thereafter she visited the plastic surgery OPD on a number of occasions. She then visited the Nightingale Hospital at Kolkata on the same date and was admitted in the hospital on 12th April, 2008 and was discharged therefrom on 13th April, 2008. The material on record shows that she then visited the Aditya Hospital at Kolkata on 2nd May, 2008. She was again admitted in Nightingale Hospital on 10th May, 2008 and discharged therefrom on 13th May, 2008.

4. The claimant has been awarded **Rs.27,000/-** for an attendant and I feel that this amount is reasonable. The claimant also claimed Rs.18,000/- for engaging a maid servant but the

learned Tribunal has rightly rejected this claim. However, the learned Tribunal lost sight of the fact that the claimant had remained in and out of hospital for almost one month and at least one attendant must have been there with her and if the cost of one attendant is taken at Rs.250/- per day, she should be awarded **Rs.7,500/-** on this ground.

5. The claimant has produced vouchers for Rs.69,520/- which has been awarded by the learned Tribunal. I am of the opinion that keeping in view of the nature of injuries it would be reasonable to enhance this amount to **Rs.80,000/-**.

6. The claimant has been awarded Rs.10,600/- for her air journey from Agartala to Kolkata and back. This amount also needs to be enhanced because both at Kolkata and Agartala the claimant must have spent some amount on her local journeys. Therefore, this amount is enhanced to **Rs.15,000/-**.

7. The learned Tribunal has awarded Rs.65,573/- in favour of the claimant for loss of earning for 4 months which is reasonable and the same is rounded off to **Rs.66,000/-**. The learned Tribunal has also awarded **Rs.20,000/-** for other incidental expenses which is also just and reasonable. The learned Tribunal has awarded only Rs.7,000/- to the claimant for mental agony, pain and suffering. Keeping in view the nature of injuries and the period of treatment I enhance this amount to **Rs.20,000/-**.

8. The total compensation is, therefore, assessed at Rs.(27,000 + 7,500 + 80,000 + 15,000 + 66,000 + 20,000 + 20,000/-) = **Rs.2,35,500/-** (Rupees two lakh thirty five thousand five hundred).

9. In view of the above discussion, the appeal is allowed. The award of the learned Tribunal is modified and the compensation is enhanced from Rs.1,99,693/- to Rs.2,35,500/- i.e. by Rs.35,807/- The claimant shall also be entitled to interest on the enhanced sum of Rs.35,807/- @ 7.5% per annum from the date of filing of the claim petition till payment/deposit of the same. It appears that the insurance company has already satisfied the awarded amount and, therefore, the insurance company is directed to deposit the enhanced amount of compensation along with proportionate interest thereupon in the Registry of this Court within 4(four) months from today. Obviously, the insurance company shall be entitled to adjust the amount(s), if any, which it has already paid or deposited.

10. The appeal is disposed of. Send down the LCRs forthwith.

CHIEF JUSTICE