

THE HIGH COURT OF TRIPURA

AGARTALA

MAC App. No. 90 of 2010

Appellants :

- 1. Sri Biswajit Debbarma,**
S/o. Sri Brindaban Debbarma of Khumulung, P.S-
Rahapur, Dist.-West Tripura.
- 2. Smti Shantirani Debbarma,**
W/o. Sri Biswajit Debbarma of Khumulung, P.S-
Radhapur, Dist.-West Tripura.

By Advocates :

Mr. B. Debbarma, Adv.
Mr. D. Saha, Adv.

Respondents :

- 1. Sri Shankar Roy,**
S/o. Late Sachindra Mohan Roy of vill-Jirania Block
Chowmuhani, P.O & P.S. Jirania, Dist.-West
Tripura. (Owner of Vehicle No. TRL-2337(Truck).
- 2. The National Insurance Company Ltd.,**
Akhaura Road, P.O. Agartala, Dist. West Tripura.

By Advocate :

Mr. D. K. Biswas, Adv.

B E F O R E HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA

Date of hearing &
Judgment & Order : **30th June, 2015.**

Whether fit for reporting :

Yes	No
	√

JUDGMENT & ORDER (ORAL)

This appeal by the claimants for enhancement of compensation is directed against the award dated 11.10.2010 passed by the learned Motor Accident Claims Tribunal, West Tripura, Agartala in T.S(MAC) No.87 of 2008 whereby the learned Tribunal has awarded only an amount of Rs.1,22,000/- as compensation.

[2] Admittedly, the deceased was a 13 year old boy. The learned Tribunal held that the 2nd schedule to the Motor Vehicles Act should be applied and the income of the deceased was taken at Rs.15,000/-, the dependency of the parents was taken at Rs.7,500/- and thereafter compensation of Rs.1,22,000/- was awarded. This judgment is totally illegal.

[3] In a claim filed under Section 166 of the Motor Vehicles Act, 1988, the 2nd Schedule is not to be applied. The deceased was a boy of 13 years and could not have been earning any amount. He would have been a student at the relevant time. Even so the claimants are entitled to some reasonable compensation. After getting educated the claimant even if he had worked as a daily rated employee would have earned wages of Rs.100 to Rs.150 per day but by that time the parents would have been older.

[4] Keeping all these factors into consideration I am of the considered view that the claimants should be awarded a lump sum amount which is assessed at Rs.2,50,000/- in view of the judgment rendered by the Apex Court in ***Puttamma and others Vrs. K. L. Narayana Reddy and another : AIR 2014 SC 706.***

[5] In view of the above discussions, the award is enhanced from Rs.1,22,000/- to Rs.2.50,000/- i.e. by Rs.1,28,000/-. The insurance company has already satisfied the amount awarded by the learned Tribunal. It is therefore, directed to pay/deposit the enhanced amount of Rs.1,28,000/- along with interest @ 9% per annum from the date of filing of the claim petition till deposit of the amount in the Registry of this Court within four months from today.

Only the mother, Smti Shantirani Debbarma shall be entitled to this amount. When the amount along with interest is deposited, Rs.50,000/- shall be released in favour of the mother and the rests shall be kept in fixed deposit for a period of three years and thereafter the balance amount shall be released to the mother.

[6] The appeal is disposed of in the aforesaid terms. No order as to costs.

Send down the lower Court records forthwith.

CHIEF JUSTICE