

THE HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_

MAC APP. NO.70 of 2011

Smt. Payel Dasgupta,
D/o Shri Ranjit Dasgupta,
Resident of Abhoynagar,
P.O - Abhoynagar, P.S. - East Agartala,
District - West Tripura.

..... *Appellant.*

- Vs -

- 1. Smt. Dipali Rani Saha,**
W/o Shri Chitta Ranjan Saha,
Resident of Ranir Bazar,
P.O - Ranir Bazar, P.S - Ranir Bazar,
District - West Tripura.
(Owner of TR-01-B-2257 - Max Jeep).
- 2. The Oriental Insurance Company Limited,**
Represented by its Manager,
Having its Office at Central Road, Agartala,
P.O - Agartala, P.S - West Agartala,
District - West Tripura.
(Insurer of TR-01-B-2257 - Max Jeep and TR-01-A-1365 Bus).
- 3. Shri Haripada Datta,**
S/o Late Manindra Datta,
Resident of Milan Chakra,
P.O - A. D. Nagar, P.S. West Agartala,
District - West Tripura.
(Owner of TR-01-A-1365- Bus).

..... *Respondents.*

_B_E_F_O_R_E_
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA

For the appellant : Mr. T D Majumder, Advocate.
For the respondent No.2 : Mr. P Gautam, Advocate.
Date of hearing & Judgment : 06.8.2015.
Whether fit for reporting :

Yes	No
	J

JUDGMENT & ORDER (ORAL)

This appeal for enhancement of compensation has been filed by the claimant-appellant who received injuries in a motor vehicle accident.

2. From the evidence on record I find that the accident took place on 26.5.2006 and the claimant was taken to the hospital at Bishalgarh from where she was referred to Agartala. There is an OPD Slip of 27.5.2006 which shows that due to *Road Traffic Accident(RTA)*, *there was laceration over the lip* which was sutured at G.B.P Hospital, Agartala on 26.5.2006. It was found that *there was no deformity on lower border of mandible. The occlusion was normal.* Thereafter the claimant went to IGM Hospital, Agartala and on 27.6.2006 it is mentioned that *post care treatment of crown is not available at Agartala and she was referred to Kolkata.* At Kolkata the patient got treatment from Dr. Arabinda Dutta Memorial Dental Polyclinic. The treatment lasted only one day and she had to go back for follow up treatment after two weeks and as per the report of the doctor she had fully recovered.

3. The learned Tribunal has not awarded any amount for the treatment at Kolkata on the ground that such treatment was available at Agartala. This finding of the learned Tribunal is wrong since from the record I have found an OPD slip issued at I.G.M

Hospital in which it is mentioned that the treatment is not available at Agartala.

4. The claimant has been awarded Rs.10,900/- for her treatment at Kolkata and has also been awarded Rs.5,000/- for her miscellaneous expenses like transportation etc. She has also been awarded Rs.5,000/- for pain and suffering etc. The only issue is with regard to the air expenses from Agartala to Kolkata and back. I feel this should be granted and, accordingly, I award a sum **Rs.10,000/-** over and above what was awarded by the learned Tribunal. No further amount can be awarded.

5. In view of the above discussion, the appeal is allowed. The award of the learned Motor Accident Claims Tribunal(Court No.3), West Tripura, Agartala, dated 06.5.2011, is modified and the compensation is enhanced from Rs.20,500/- to **Rs.30,500/-** i.e. by Rs.10,000/-. On the amount of compensation so awarded, the claimant shall also held entitled to interest @ 9% per annum from the date of filing of the claim petition till payment/deposit of the awarded amount. It appears that the insurance company has already satisfied the award and, therefore, they are directed to deposit the enhanced amount of compensation along with interest in the Registry of this Court within 8(eight) weeks from today after deducting/adjusting the amount, if any, already paid/deposited by them along with proof of such earlier deposit.

6. The appeal is disposed of in the aforesaid terms. Send down the LCRs forthwith.

CHIEF JUSTICE