

THE HIGH COURT OF TRIPURA
AGARTALA

MFA (W/C) 20 of 2011

1. Smt. Manju Saha
W/O. Late Gopal Chandra Saha,
2. Sri Govinda Saha,
S/O. Late Gopal Chandra Saha,
both of residents of Joynagar,
P.S. West Agartala,
P.O. Agartala – 799001,
Dist. West Tripura.
(Appellant No.2 being minor,
Represented by his mother, the
Appellant No.1)

..... *Appellants.*

- Vs. -

1. Sri Ratan Kumar Das,
S/O. Late Ruhini Kumar Das,
Resident of Jagatpur,
P.O. Abhoynagar – 799005,
P.S. East Agartala, District – West Tripura.
(Owner of the vehicle No.TR01-G-1945, Tata Truck).
2. The Oriental Insurance Company Limited,
Central Road, P.S. West Agartala,
P.O. Agartala – 799001,
Dist. West Tripura.
(Insurer of Vehicle No. TR01-G-1945, Tata Truck).

..... *Respondents.*

BEFORE
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA

For the appellants : Mr. D. Bhattacharji, Advocate.

For the respondent : Mr. P. Gautam, Advocate,
No.2.

Date of hearing & : 09.06.2015.
delivery of
Judgment & order.

Whether fit for : No.
reporting

JUDGMENT & ORDER (ORAL)

This is an appeal under the Workmen's Compensation Act.

2. The following substantial question of law arises in this case:-

Whether the learned Commissioner took a perverse view in fixing the income of the deceased at Rs.3,000/- per month?

3. The claimant claimed that her husband, the deceased, who was employed as a driver of a heavy goods vehicle was getting wages of Rs.5,000/- per month, but led no documentary proof. The employer in his reply stated that the net monthly wages of the deceased were Rs.3,000/-, but he was also being paid Rs.60/- per day for the cost of food and other daily expenses. This court has repeatedly held that this forms part of the wages and therefore, the wages of the deceased would be Rs.4,800/- per month. At the relevant time, the maximum wages which could be taken into consideration were Rs.4,000/- per month and accordingly the compensation has to be calculated.

4. 50% of Rs.4,000/- works out to Rs.2,000/- and the relevant factor is admittedly 169.44 x 2,000 and the compensation works out to Rs.3,38,880/-. Accordingly, the claimant has held

entitled to a sum of **Rs.3,38,880/-** (Rupees three lakh thirty eight thousand eight hundred eighty) along with interest @ 12% per annum from the date of the accident till payment of the entire amount.

5. The insurance company is directed to deposit the enhanced amount of compensation in the Registry of this Court within 3(three) months from today.

6. The appeal is disposed of.

CHIEF JUSTICE

sima