

THE HIGH COURT OF TRIPURA AGARTALA

Mac App No.34 of 2011

Sri Rajesh Saha,
S/O. Late Lal Chand Saha of
Jail Ashram road, P.S.- East Agartala,
West Tripura, Pin No.799 007.

.....Claimant-Appellant.

VERSUS

1. The Executive Engineer/Officer,
Agartala Municipal Council,
H.G.B. Road, Agartala, Tripura West.
Pin No. 799 001.

2. The Divisional Manager,
United India Insurance Co. Ltd.
R.M.S. Chowmuhani, Agartala,
Tripura West. Pin No.799 001.

.....Opposite Parties-Respondents.

BEFORE HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA

For the appellant : Mr. T. D. Majumdar, Advocate.

For

Respondent No. 1 : Mr. K. K. Pal, Advocate,

Respondent No. 2 : Dr. H. K. Bhattacharji, Advocate.

Date of hearing and
delivery of judgment : **08.7.2015.**

Whether fit for reporting : **No.**

JUDGMENT AND ORDER (ORAL)

This appeal for enhancement of compensation is directed against the award, dated 19.01.2011, passed by the learned Motor Accident Claims Tribunal (Court No.3), West Tripura, Agartala in Title Suit (MAC) No.238 of 2008.

2. Admitted facts are that the claimant suffered injuries in a motor vehicle accident on 09.10.2007. He was admitted in the G.B.P Hospital, Agartala, on 10.10.2007 and on 11.10.2007 he was discharged on his own request. He, thereafter, went to Kolkata and got admitted in the Apollo Gleneagles Hospital, on 11.10.2007 and was discharged on 19.11.2007.

3. The learned Tribunal has awarded Rs.15,000/- to the claimant for pain and sufferings which is reasonable. The learned Tribunal has also awarded Rs.30,000/- for loss of income which also calls for no interference. The learned Tribunal has awarded Rs.1,72,477/- for medical expenses. This is based on the exact vouchers produced by the claimant. This Court cannot lose sight of the fact that sometimes all vouchers are not kept and some few vouchers may be missing. Therefore, under this heading the award is enhanced from Rs.1,72,477/- to Rs.1,80,000/-. The claimant has been awarded Rs.10,000/- for miscellaneous expenses which would cover attendant charges.

4. The main dispute is with regard to the non-grant of travelling expenses from Agartala to Kolkata and back. According to the learned Tribunal, since the claimant went to Kolkata of his own choice and was not referred to Kolkata he is not entitled to the air expenses. This reasoning of the learned Tribunal is totally wrong and illegal. It is the choice of the claimant where he wants to get himself treated. This Court can take judicial notice of the fact that even today the medical

facilities available in the State of Tripura are so primitive that even for minor ailments people go to Guwahati or Kolkata for treatment.

5. The expenses for air travel as proved on record works out to Rs.41,700/-. In addition thereto, there may be some minor expenses of taxi etc. and ambulance charges and this is rounded off to Rs.45,000/-.

6. The total compensation is, therefore, assessed at (Rs.15,000 + 30,000 + 1,80,000 + 10,000 + 45,000/-) = ***Rs.2,80,000/- (Rupees two lakh eighty thousand)***. 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.2,27,477/- to Rs.2,80,000/- i.e. by Rs.52,523/-. On this amount the claimant shall also be entitled to interest @ 7.5% per annum from the date of filing of the claim petition till payment/deposit of the entire awarded amount. The respondent No.2 United India Insurance Co. Ltd. is directed to deposit the amount of compensation along with proportionate interest thereupon in the Registry of this Court within 4(four) months from today.

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

CHIEF JUSTICE