

THE HIGH COURT OF TRIPURA
AGARTALA

MAC APP. NO.67 OF 2009

Miss Budhini Debbarma,
D/O. Shri Debendra Debbarma,
Resident of Vill.-Sridamkobrapara,
P.S.-Ranir Bazar,
Dist.-West Tripura.

.... **Appellant.**

- V e r s u s -

1. Sri Sankar Saha,
S/O. Sri Ajit Kumar Saha,
Resident of Vill. Surjyamaninagar,
P.S.-Amtali, District-West Tripura.
(Owner of the vehicle No.TR-01-B-3793
Auto Rickshaw).
2. Shri Narayan Ghosh,
S/O. Late Kunja Behari Ghosh,
Resident of Vill. Hapania,
P.O. & P.S.-Amtali, District-West Tripura.
(Owner of the vehicle No.TR-01-J-0739,
Goods Carrier Auto Rickshaw).
3. The National Insurance Company Ltd.,
Divisional Office,
42, Akhaura Road, Agartala, West Tripura,
Represented by Divisional Manager.
4. The Oriental Insurance Company Ltd.,
Central Road, Kaman Chowmuhani,
Agartala, Dist. West Tripura,
Represented by Divisional Manager.

.... **Respondents.**

BEFORE
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA

For the appellant	: None.
For the respondent No.1	: Ms. S. Deb Gupta, Advocate.
For the respondent No.4	: Mr. P. Gautam, Advocate.
Date of hearing and delivery of judgment and order.	: 03.03.2015.
Whether fit for reporting	: NO.

JUDGMENT & ORDER (ORAL)

On 11-02-2015 when this matter was listed in Court, none had appeared for the appellant. The case was then adjourned to 26-02-2015 when again none appeared for the appellant. Today the case has been listed for the third time and again none appears for the appellant. Therefore, I proceed to decide the appeal on merits itself.

2. This appeal is directed against the award dated 28-08-2009 passed by the learned Motor Accident Claims Tribunal, West Tripura, Agartala in case No. T.S.(MAC) 111 of 2008 whereby he awarded Rs.15,000/- in favour of the claimant-appellant under the following heads:-

Pain and suffering	:- Rs. 5,000/-
<u>Medical expenses</u>	<u>:- Rs.10,000/-</u>
Total	:- Rs.15,000/-

3. The compensation was ordered to be paid in equal shares by the National Insurance Company Limited and by Sri Narayan Ghosh, owner of vehicle No.TR-01-J-0739. In appeal, it has been prayed that the claimant is entitled to a much higher amount.

4. I have gone through the award of the Tribunal and also the record. The claimant admittedly suffered injuries in an accident on 19-08-2007. According to her, she was treated in hospital as indoor patient from 19-08-2007 to 03-10-2007. From the evidence

on record, it is apparent that the claimant was admitted in hospital for 45 days. The admitted facts are that the claimant remained admitted in hospital from 21-08-2007 to 03-10-2007, i.e. for a period of 44 or 45 days. She would have been attended upon by two attendants in hospital and if the cost of one attendant is taken at Rs.250/- per day and cost of two attendants at Rs.500/- per day, the compensation on this account alone works out to **Rs.22,500/-**.

5. The claimant has produced vouchers regarding expenses on treatment amounting to Rs.4,261/-. I feel that it would be reasonable to award a sum of **Rs.5,000/-** under this head.

6. The claimant could not work for at least 2(two) months. She was a teacher drawing a salary of Rs.3,250/- and, therefore, she is awarded two months' salary which amounts to **Rs.6,500/-**.

7. The claimant is also held entitled to a sum of **Rs.10,000/-** for pain and suffering.

Therefore, the total compensation is assessed at Rs.(22,500 + 5,000 + 6,500 + 10,000)=Rs.44,000/- (rupees forty four thousand).

8. 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.15,000/- to Rs.44,000/-, i.e. by

Rs.29,000/-. On the amount of compensation so awarded, 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 awarded amount. The compensation shall be paid equally by the respondent No.3, National Insurance Company Limited and the respondent No.2, Sri Narayan Ghosh, owner of vehicle No.TR-01-J-0739.

9. The appeal is disposed of in the aforesaid terms.

10. Send down the lower court records forthwith.

CHIEF JUSTICE