

THE HIGH COURT OF TRIPURA
AGARTALA

MAC APP. NO.01 OF 2010

Smti. Sanhita Ghosh,
W/O. Sri Suhasish Saha,
Resident of Near East Agartala P.S.,
Banamalipur, P.S. East Agartala,
District-West Tripura.

..... **Appellant.**

- V e r s u s -

1. Shri Subhash Debnath,
S/O. Late Hiralal Debnath,
Resident of Hriswamukh,
P.S. Belonia, District-South Tripura.
(Owner of the offending vehicle
No.TR-03-3598, Cruiser).
2. The Divisional Manager,
Oriental Insurance Company Ltd.,
Central Road, Kaman Chowmuhani,
P.O. Agartala, P.S. East Agartala,
District-West Tripura.
(Insurer of the offending vehicle
No.TR-03-3598, Cruiser).

..... **Respondents.**

BEFORE
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA

For the appellant	: Mr. P.K. Dhar, Advocate, Mr. R.G. Chakraborty, Advocate.
For the respondents	: Mr. P. Gautam, Advocate, Mr. S. Debnath, Advocate.
Date of hearing	: 26.03.2015.
Date of judgment	: 10.04.2015.
Whether fit for reporting	: NO.

JUDGMENT & ORDER

This appeal for enhancement of compensation has been
filed by the claimant and is directed against the judgment dated

03-11-2009 passed by the learned Motor Accident Claims Tribunal, Court No.3, West Tripura, Agartala in case No. T.S.(MAC) 233 of 2008 whereby he awarded a sum of Rs.2,70,100/- in favour of the claimant.

2. The only issue is with regard to enhancement of compensation. So, I will not go into the other aspects of the matter. The claimant who is about 38 years of age was admitted in the G.B.P. Hospital, Agartala on 04-07-2007 and discharged on 05-07-2007 with fracture of shaft of the femur. She was discharged because adequate treatment was not available in Agartala and she was referred to the S.S.K.M. Hospital, Kolkata. The claimant at the relevant time was a part-time dance teacher in the Government Music College and working there since 1997. According to the certificate produced, she was getting honourarium of Rs.5,000/- per month at the relevant time.

3. The learned Tribunal awarded Rs.2,70,100/- in favour of the claimant under the following heads:-

Purchase of medicines at Agartala	:- Rs. 16,650/-
Transportation expenditure by air	:- Rs. 31,850/-
Treatment expenses and ambulance charges at Kolkata:-	Rs. 58,350/-
Attendant charges	:- Rs. 2,250/-
Loss of income for one month:-	Rs. 5,000/-
Future loss of income	:- Rs. 96,000/-
Pain and suffering	:- Rs. 20,000/-
Mental shock and agony	:- Rs. 20,000/-
Special compensation for loss of amenities of life	:- Rs. 20,000/-
Total	:- Rs.2,70,100/-

4. The main grievance of the claimant is that since she was a dancer, the disability of 10% assessed by the Disability Board would actually amount to 100%. On this basis, it is urged that a career as a dancer has come to an end and, therefore, she is entitled to enhanced compensation.

5. The learned Tribunal has awarded Rs.20,000/- for pain and suffering, Rs.20,000/- for mental shock and agony and Rs.20,000/- as special compensation for loss of amenities of life. The learned Tribunal has also awarded Rs.96,000/- for future loss of income. Admittedly, no future loss of income has taken place because the petitioner continues to work in the Government College and, therefore, it cannot be said that there was any future loss of income. This amount of Rs.96,000/- along with the sum of Rs.20,000/- awarded for future loss of amenities is more than sufficient to compensate the petitioner for the loss of dancing activities.

6. In this view of the matter, I find no merit in the appeal which is accordingly dismissed.

7. Send down the lower court records forthwith.

CHIEF JUSTICE