

THE HIGH COURT OF TRIPURA
AGARTALA

MAC APP. NO.86 OF 2009

Shri Jhutan Majumder,
S/O. Late Suresh Majumder,
Of Hawaii Bari, P.S. Teliamura,
District-West Tripura.

..... Appellant.

- V e r s u s -

1. Shri Rajesh Debnath,
Son of Shri Rakhal Chandra Debnath,
Of Chandrapur, Agartala,
P.S. East Agartala,
District-West Tripura.
(Owner of the vehicle No.TR-01-A-1406 (CITI RIDER MINI
BUS).
2. The New India Assurance Company Ltd.,
Represented by it's Divisional Manager,
Having its Office at Mantri Bari Road, Agartala,
P.S. West Agartala, Tripura(W).

..... Respondents.

BEFORE
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA

For the appellant	: Mr. S.B. Debnath, Advocate.
For the respondents	: None.
Date of hearing	: 16.01.2015.
Date of judgment	: 28.01.2015.
Whether fit for reporting	: NO.

JUDGMENT & ORDER

This appeal by the claimant is directed against the award dated 14-09-2009 passed by the learned Motor Accident Claims Tribunal, Court No.3, West Tripura, Agartala in case No. T.S.(MAC) 21 of 2008 whereby he awarded a sum of Rs.23,500/- in favour of the claimant under the following heads:-

Cost of medicines	:- Rs. 1,500/-
Attendant charges	:- Rs. 2,800/-
Cost of attending OPD on 4 days	:- Rs. 1,200/-
Loss of income	:- Rs. 8,000/-
Pain and suffering	:- Rs. 5,000/-
<u>Mental shock and agony:-</u>	<u>Rs. 5,000/-</u>
Total	:- Rs.23,500/-

2. The claimant remained in hospital for 14 days and has fully recovered and there is no permanent disability. He, however, suffered a grievous injury. The claimant produced cash memos of Rs.1,417/-. This Court has consistently taken the view that at the stage when claimants are in hospital and when they do not belong to that strata of society which gets medical reimbursement, the bills may not be kept. Keeping in view the nature of injuries and the extent of hospitalization, the claimant is awarded **Rs.5,000/-** for cost of medicines etc.

3. As far as attendant charges are concerned, since the hospitalization took place in the year 2007, I assess the attendant charges at Rs.200/- per day per attendant. Consequently, the award under this head is enhanced to **Rs.5,600/-**.

4. The amount of **Rs.1,200/-** awarded for attending OPD on 4 days calls for no interference.

5. The claimant claimed that he was working as a helper in a taxi and in my view, in the year 2007 the income should have

been taken at Rs.3,000/- per month and, therefore, the loss of income for four months works out to **Rs.12,000/-**.

6. The claimant has been awarded **Rs.10,000/-** for pain, suffering and mental shock and agony which in my opinion is reasonable keeping in view the nature of the injuries.

Therefore, the total compensation works out to Rs.(5,000 + 5,600 + 1,200 + 12,000 + 10,000) = Rs.33,800/- (rupees thirty three thousand eight hundred).

7. 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.23,500/- to Rs.33,800/-, i.e. by Rs.10,300/-. 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.

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

9. Send down the lower court records forthwith.

CHIEF JUSTICE