

THE HIGH COURT OF TRIPURA

A G A R T A L A

MAC App. No. 64 of 2010

Appellant :

Smt. Devi Rani Mura Sing,
W/o. Late Raichandra Mura Sing, Resident of
South Rani (Buraghat), P.S. Kakraban, South
Tripura.

By Advocate :

Mr. T. D. Majumder, Adv.

Respondents :

1. Shri Narayan Ch. Saha,
S/o. Late Debendra Ch. Saha,
Resident of Kakraban, P.S- Kakaraban, South
Tripura, (Owner of TR-01-2559 Commander Jeep).

2. The Oriental Insurance Company Ltd.,
Represented by its Branch Manager, Udaipur
Branch, Udaipur, P.S.- R. K. Pur, South Tripura,
Insurer of TR-01-2559. (Commander Jeep).

By Advocate :

Mr. P. Gautam, Adv.

B E F O R E

HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA

Date of hearing &
Judgment & Order : **6th July, 2015.**

Whether fit for reporting :

Yes	No
	✓

JUDGMENT & ORDER (ORAL)

This appeal for enhancement of compensation has been filed by the claimant-appellant and is directed against the award dated 22.05.2009 passed by the learned Motor Accident Claims Tribunal, Udaipur, South Tripura in T.S(MAC) No.109 of 2008 whereby the learned Tribunal has awarded compensation of Rs.80,000/- in favour of the claimant.

[2] The claim petition was filed by the claimant stating that on 17.05.2007 she along with her husband were travelling by vehicle No.TR-01-2559 which met with an accident. The claimant remained in hospital for 6(six) days over two spells but after long treatment she has not fully recovered and due to fracture injury on pelvis of both hips she has suffered disability.

[3] On 27.03.2014 this Court while hearing the arguments had passed the following order:

"The main issue in this case is what were the injuries received by the claimant in the accident in question.

As per the record the claimant was taken to the Kakraban PHC hospital immediately after the accident and in the report I find that in the nature of injury it is mentioned that swelling with minor abrasion and the injury on the forehead. No injuries to the pelvis have been disclosed.

The next document produced by the claimant is a discharge certificate of the Tripura Sundari Hospital which shows she was admitted there on 6th July, 2007 and discharged on 10th July, 2007 with fracture of the pelvis. There is nothing to indicate that this fracture is relatable to the accident. However before dealing further with the matter I feel that it would be appropriate to grant the petitioner who is a lady another opportunity to produce any documents which could show that in the accident she had suffered any injuries to her pelvis.

Needful be done within two months.

List on 22nd June, 2015."

The accident in question admittedly took place on 17.05.2007 and as per the record of the Kakraban hospital the claimant has only received simple injury at the time of the accident. There was only a swelling with minor abrasion over head and that swelling and abrasion was on the fore arm. There is no reference to any injury to the leg or any other part of the body. The claimant was thereafter admitted to the Tripura Sundari Hospital on 6th July, 2007 and discharged on 10th July, 2007 with fracture of the pelvis. There is no mention that this fracture is a result of a road traffic accident. There is no

mention that this is an old fracture. The accident had occurred more than one and half month earlier and it cannot be believed that the claimant would not have got any treatment for fracture of the pelvis for one and half months. A person with a pelvis fracture would be virtually unable to move. It is more than obvious that the claim with regard to the fracture having been caused in a motor vehicle accident is totally false.

[4] Therefore, I find no merit in the appeal, which is accordingly dismissed. No order as to costs.

Send down the lower Court records forthwith.

CHIEF JUSTICE