

THE HIGH COURT OF TRIPURA
AGARTALA

MAC APP. NO.66 OF 2010

1. State of Tripura,
Represented by Secretary,
Home Department,
New Capital Complex, P.O.-Kunjaban,
Agartala, Tripura West.
2. Director General of Police,
Police Head Quarter,
Fire Service Chowmuhani,
P.O.-Agartala, Tripura West.
3. Superintendent of Police,
Udaipur, P.O.-R.K. Pur,
South Tripura.
4. The Superintendent of Police,
M.T. Pool, P.O.-A.D. Nagar,
Agartala, Tripura West.

..... Appellants.

- V e r s u s -

Sri Tapan Das,
S/O. Shri Prafulla Das,
Resident of village Chandrapur,
P.O.-Chandrapur,
P.S.-East Agartala,
Tripura West.

..... Respondent-Claimant.

BEFORE
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA

For the appellants : Mr. D.C. Nath, Advocate.

For the respondent : None.

Date of hearing and
delivery of judgment
and order. : 20.02.2015.

Whether fit for reporting : **NO.**

JUDGMENT & ORDER (ORAL)

This appeal by the State is directed against the award dated 07-05-2010 passed by the learned Motor Accident Claims Tribunal, Court No.3, West Tripura, Agartala in case No. T.S.(MAC) 492 of 2007 whereby he awarded compensation of Rs.4,67,200/- in favour of the claimant.

2. The undisputed facts are that on 29-11-2006 the claimant was walking on the road near Purbasha Emporium. He was knocked down by motorcycle bearing No.TR-03-1050 which belongs to the State of Tripura. He was immediately shifted to the G.B.P. Hospital, Agartala where he remained admitted till 07-12-2006. He was then shifted to Dr. B.R.A.M. Hospital, Hapania where he remained admitted from 07-12-2006 to 20-12-2006. He was then discharged and treated as an outdoor patient but was again admitted to hospital on 17-02-2007 and discharged on 27-03-2007. He even thereafter continued to remain under treatment. He has suffered 40% disability as assessed by the Medical Board.

3. The learned Tribunal assessed the compensation at Rs.4,67,200/- under the following heads:-

Treatment charges	:- Rs.1,05,000/-
Attendant charges	:- Rs. 24,600/-
Loss of income for one year	:- Rs. 42,000/-
Future loss of income	:- Rs.2,85,600/-
Pain and suffering	:- Rs. 5,000/-
<u>Mental shock and agony</u>	<u>:- Rs. 5,000/-</u>
Total	:- Rs.4,67,200/-

4. It is contended by Sri D.C. Nath, learned counsel for the appellants, that the amount awarded for loss of income and future loss of income is very high.

5. I am not in agreement with this because while assessing the compensation, the income has been taken at Rs.3,500/- per month and nothing extra has been considered on account of future prospects. I also feel that the amount awarded under the head of medical expenses, attendant charges, pain and suffering, loss of amenities of life is on the lower side. Therefore, in my view, the award calls for no reduction.

6. The appeal is, therefore, without any merit and is accordingly dismissed.

7. Send down the lower court records forthwith.

CHIEF JUSTICE