

THE HIGH COURT OF TRIPURA
A G A R T A L A

MAC App. No. 12 of 2009

Appellant :

Sri Samarjit Karmakar,
S/o. Late Ramesh Ch. Karmakar, Village-
Dhajanagar, P.S- R. K. Pur, District- South
Tripura.

By Advocate :

Mr. T. D. Majumder, Adv.

Respondents :

1. Sri Ratan Patowari,
S/o. Sri Sachindra Patowari, Village : Garji,
Udaipur, P.S-R. K. Pur, South Tripura
[Owner of TR-03-2199 (Jeep)]

2. M/s. United India Insurance Co. Ltd.
(Represented by its Manager, Udaipur Branch
of United India Insurance Co. Ltd. R. K. Pur,
South Tripura) (Insurer of TR-03-2199)

3. Sri Badal Ch. Deb,
S/o. Sri Manoranjon Deb, North Chandrapur,
Udaipur, P.S-R. K. Pur, South Tripura.
(Owner of TR-01-3785)

4. M/S. The New India Assurance Co. Ltd.
Represented by its Manager, Agartala Branch
having its office at Kaman Choumohani,
Agartala. (Insurer of TR-01-3785)

By Advocates :

Mr. P. Gautam, Adv.
Mr. S. C. Majumder, Adv.

B E F O R E
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA

Date of hearing &
Judgment & Order : **11th March, 2015.**

Whether fit for reporting :

Yes	No
	√

JUDGMENT & ORDER (ORAL)

This appeal for enhancement of compensation is directed against
the award dated 29.09.2007 passed by the learned Motor Accident Claims

Tribunal, South Tripura, Udaipur in T.S(MAC) No. 34 of 2007 whereby the Tribunal awarded compensation of Rs.2,68,012/- in favour of the claimant.

[2] The claimant admittedly suffered injuries in a Motor Vehicle Accident which took place on 23rd January, 2006. He remained admitted in hospital at Agartala from 23.01.2006 to 31.01.2006 i.e. 9 days and thereafter he remained admitted at the Peerless Hospital & B. K. Roy Research Centre (for short Peerless Hospital) at Kolkata from 01.02.2006 to 10.02.2006. From the discharge certificate issued by the Peerless Hospital it is apparent that the claimant who was about 37 years of old suffered injuries in a road traffic accident. He also suffered head injury. During investigation CT scan of the brain was conducted. The patient was treated and on discharge he was advised rest and normal diet. There is nothing in this discharge certificate to suggest that the claimant was advised any further treatment after this except he was asked to review with the doctors of the hospital but there is no documents produced in this regard. It also appears that on 18th February, 2006 the claimant again went to the hospital and it was found that there was no neurological problem and he was asked to continue eye medicines.

[3] The claimant has been awarded Rs.10,000/- for pain and suffering, Rs.3600/- for attendant charges at Agartala, Rs.68,975/- for his treatment at Kolkata, Rs.27,937/- for transportation cost by air and Rs.1,50,000/- as lump sum compensation for loss to his right eye i.e. a total compensation of Rs.2,51,012/-. In addition thereto, he has been awarded Rs.7,000/- as actual loss of income.

[4] It is urged by Mr. T. D. Majumder that no amount has been awarded for the attendant charges at Kolkata. It is also urged by him that there may be many vouchers of smaller amount which may not have been kept and

therefore the amount of compensation may be suitably enhanced. It is also urged that the amount awarded for pain and suffering is on the lower side. It is also claimed that he should be awarded something for disfiguration. I am in agreement with Sri T. D. Majumder on all these counts, but at the same time, I am of the view that the amount of Rs.1,50,000/- awarded as lump sum compensation without giving any reasons whatsoever for 40% disablement of the eye is absolutely unjustified and is very much on the higher side.

[5] The disability certificate does not even indicate whether this disability is relatable to the accident or not? No doubt the claimant suffered some head injury in the accident and he had also suffered some eye injury. But the fact that there is loss in his vision should have been proved to be relatable to the accident in question.

[6] I have carefully gone through the discharge certificates of both the hospitals and I find that there is nothing to indicate in both the discharge certificates that there is any loss of vision. Therefore, this portion of the award is on higher side. Overall, I feel that the amount of compensation is more than reasonable, calling for no enhancement.

[7] The appeal is dismissed. No order as to costs.
Send down the lower Court records forthwith.

CHIEF JUSTICE