

THE HIGH COURT OF TRIPURA
AGARTALA

Review Pet. No. 18 of 2013

Petitioner :

Sri Sukumar Saha,
S/o. Lt. Narendralal Saha, Vill. Birendra Nagar,
P.S. Jirania, West Tripura.

By Advocate :

Mr. A. Nandi, Adv.

Respondents:

1. Sri Kishore Kumar Bhattacharjee,
S/o. Satya Ranjan Bhattacharjee, Vill./P.O-
Jogendranagar, Agartala,

2. Oriental Insurance Co. Ltd.
Represented by its Divisional Manager,
Agartala, Divisional Office, Central Road,
Agartala.

By Advocate :

Mr. D. C. Nath, Adv.

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

Date of hearing : **10th March, 2015.**

Date of Judgment & Order : **25th March, 2015.**

Whether fit for reporting :

Yes	No
	✓

J U D G M E N T & O R D E R

This review petition has been filed seeking a review of the judgment dated 24th September, 2013 whereby this Court enhanced the compensation payable to the claimant from Rs.2,37,280/- to Rs.3,18,500/-.

[2] In the review petition it was averred that some of the evidence which was on the record of the trial Court was not made part of the paper

book and as a result of which in course of hearing these documents could not be brought to the notice of the Court.

[3] The main grounds for seeking review are that compensation for the period of leave of 276 days availed for treatment has not been granted. On 05.05.2014 while issuing notice on the review petition this Court had directed that the petitioner should file an affidavit stating that whether he has obtained any reimbursement of medical expenses from the United Bank of India or not. Pursuant to this the petitioner filed an affidavit that he has not received any medical reimbursement from his employer.

[4] I have now gone through the trial Court record. During the course of the review petition certain other documents have been submitted to show that the claimant underwent girdle stone arthroplasty at Apollo Hospitals, Chennai on 01.08.2005 and was advised not to travel for long distance. The amount paid at Apollo Hospital is Rs.61,154/-. Keeping in view and the distance is involved and the period of treatment i.e. from 31.07.2005 to 09.08.2005 i.e. 10(ten) days, I feel that at least Rs.1000/- per day should be awarded for attendant charges etc. and some amount should be awarded for transportation. Therefore, the claimant is awarded Rs.70,000/- for the treatment at Apollo Hospital, Chennai from 31.07.2005 to 09.08.2005. In addition thereto, he is also awarded Rs.10,000/- for attendant charges and Rs.10,000/-for transportation.

[5] The claimant has also claimed leave salary. The salary of the claimant was Rs.17,841/-. He has produced documents to show that he remained on leave for 251 days i.e. for a little over 8(eight) months and therefore, he is awarded Rs.1,50,000/- under this head.

[6] In view of the above discussion, the judgment dated 24th September, 2013 is modified and the operative portion of the judgment shall now read as follows:

(1) Medical Treatment	=	Rs.2,00,000/-
(2) Transportation charges	=	Rs. 22,000/-
(3) Attendants Charges	=	Rs. 26,500/-
(4) Salary for 8(eight) months	=	Rs.1,50,000/-
(5) Pain & suffering as well as loss of amenities in life & future discomfort in life	=	Rs.1,25,000/-
Total :		Rs.5,23,500/-

Accordingly, the award is enhanced from Rs.2,37,280/- to Rs.5,23,500/- i.e. by Rs.2,86,220/- which is rounded off to Rs.2,86,500/-. The insurance company has already paid the amount awarded by the learned Tribunal. It is therefore, directed to deposit the enhanced amount of Rs.2,86,500/- along with proportionate interest @ 6% per annum from the date of filing of the claim petition till deposit of the amount in the Registry of this Court within four months from today.

[7] Review Petition is disposed of in the aforesaid terms. No order as to costs.

Send down the LCRs, if any, forthwith.

CHIEF JUSTICE