

THE HIGH COURT OF TRIPURA
AGARTALA

MAC APP. 21 of 2010

Sri Nantu Ranjan Banik,
S/O. Lt. Bimala Charan Banik,
Resident of Jolaibari,
P.O. Santirbazar, P.S. Baikhora,
Dist. – South Tripura.

..... *Appellant*

- Vs. -

1. Smt. Shilpi Das (Roy), Wife of Sri Ujjal Das,
Of West Charakbai, P.O. & P.S. Baikhora,
District – South Tripura. (Owner of Mahendra
Max bearing Registration No. TR-03-3464).
2. Sri Sujit Paul, S/O. Sri Sukesh Ch. Paul,
Resident of A.D. Nagar, P.O. A.D. Nagar,
P.S. West Agartala, District – West Tripura,
(Owner of Bus bearing registration
No. TR-01-A-1292).
3. The Branch Manager,
United India Assurance Company Ltd.
Subhash Road, P.O. & P.S. R.K. Pur, Udaipur,
District - South Tripura.

..... *Respondents*

BEFORE
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA

For the appellant : Ms. P. Ghatak, Advocate.

For the respondent : Mr. S. Bhattacharjee, Advocate.
No.2.

For the respondent : Mr. P. Gautam, Advocate.
No.3.

Date of hearing & : 18.03.2015.
delivery of
Judgment & order.

Whether fit for : No.
reporting

JUDGMENT & ORDER (ORAL)

This is an appeal for enhancement of compensation filed by the claimant against the award dated 11.01.2010 delivered by the learned Motor Accident Claims Tribunal, Court No.3, West Tripura, Agartala awarding a sum of Rs.87,003/- in favour of the claimant.

2. The claimant has been awarded Rs.15,700/- for purchase of medicines and undergoing tests in GBP hospital. He has been also awarded Rs.35,153/- for purchase of medicines and medical treatment at Tropical Orthopedic and Related Research Centre, Agartala. The total of these two works out to Rs.50,853/-. In my view, a claimant may not keep the record of each and every medicine purchased and keeping in view the nature of the injuries and the length of treatment it would be appropriate to award **Rs.60,000/-** under this head.

3. As far as medical attendants charges are claimed, the claimant has been awarded medical attendant charges for 20 days @ Rs.100/- per attendant. The occurrence took place in the year 2007 and assessed the cost of each attendant at Rs.200/- per day and therefore, the cost of attendants is enhanced to **Rs.8,000/-**.

4. For transportation, the claimant has been awarded only Rs.1,800/- to Silchar and back on twice. In my view, he is entitled to **Rs.5,000/-** under this head. At Silchar, the claimant had taken escort and the cost of escort at Shilchar is assessed Rs.400/- per day. He remained in Silchar for 6 days and is awarded Rs.2,400/- for his escort at Silchar. He is also awarded for Rs.2,400/- for his hotel expenses and his own personal charges i.e. **Rs.5,000/-** for boarding and lodging for himself and an escort at Shilchar. He is also awarded **Rs.10,000/-** for his treatment at Shilchar as against Rs.9,000/- awarded by the Tribunal.

5. Now comes the question with regard to leave. The claimant has proved a certificate to show that he was on leave for 160 days. His salary was Rs.11,439/- per day. The learned Tribunal has wrongly denied the benefit of salary of this period to the claimant on the ground that for some period he was on half leave. The learned Tribunal loss sight of the fact that at the time of retirement, a government official can claim encashment of his un-avail leave and therefore this is a loss caused to the claimant. Therefore, I award him Rs.**62,000/-** for loss of salary earnings for these 160 days.

6. As far as the other amounts of **Rs.20,000/-** for pain and suffering and shocking are concerned, I find no reason to enhance the same.

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 **87,003/-** to **Rs. 1,70,000/-** (Rs.60,000/- + Rs.8,000/- + Rs.5,000/- + Rs.5,000/- + Rs.10,000/- + Rs.62,000/- + Rs.20,000/-) i.e. by Rs.82,997/- say **Rs.83,000/-**. The claimant shall also be entitled to interest on the enhanced amount @ 7.5% per annum from the date of filing of the claim petition till payment/deposit of the awarded amount. It appears that the insurance company has already satisfied the awarded amount and, therefore, the insurance company is directed to deposit the enhanced amount of compensation along with proportionate interest thereupon in the Registry of this Court within 4(four) months from today. Obviously, the insurance company shall be entitled to adjust the amount(s), if any, which it has already paid or deposited.

6. The appeal is disposed of. Send down the L.C.Rs forthwith.

CHIEF JUSTICE

sima