

THE HIGH COURT OF TRIPURA

AGARTALA

MAC App. No. 03 of 2010

Claimant-Appellants :

1. Sri Haradhan Saha,
S/o. Lt. Radha Nath Saha.

2. Smt. Ruma Saha,
D/o. Shri Haradhan Saha.

3. Smt. Bulti Saha
D/o. Shri Haradhan Saha.

4. Smt. Pinki Saha,
D/o. Shri Haradhan Saha.

All are resident of Nalgaria, P.S. Ranirbazar,
West Tripura.

By Advocate :

Ms. S. Choudhury, Adv.

Respondents :

1. Sri Subal Debbarma,
S/o. Lt. Lal mohan Debbarma, Vill-Charilam,
Rangmala, P.S- West Tripura District.
(Owner of TR-01-0621, Maruti car)

2. The Branch Manager,
New India Assurance Company Ltd.
4, Mantribari road, Agartala, P.S-West Agartala,
West Tripura District.
(Insurer of TR-01-0621, Maruti car)

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 : **11th March, 2015.**

Whether fit for reporting :

Yes	No
	√

JUDGMENT & ORDER (ORAL)

This is an appeal for enhancement of compensation filed by the claimants and is directed against the award of the learned Motor Accident Claims Tribunal, Court No.2, West Tripura, Agartala dated 21.07.2009 in T.S(MAC) No.

174 of 2007 whereby the Tribunal awarded compensation of Rs.2,45,360/- along with interest @ 6% per annum to the claimants.

[2] The claimants are the husband and three children of the deceased Smt. Iva Saha, wife of Sri Haradhan Saha. The deceased at the relevant time was working as a daily rated worker and her income was Rs.2003/- per month. The learned Tribunal taking this income to be the determining factor assessed the compensation and deducted 1/3rd for the personal expenses of the deceased. The learned Tribunal did not take into consideration the fact that the deceased being a regular Govt. employee there would have been increase in income. The deceased also being a married lady like any married lady in India especially belonging to the lower strata of society would also be helping in the household work.

[3] Along with the appeal the claimants have placed on record documents to show that though the deceased was a daily rated worker, the Government had taken a decision that w.e.f. 1.1.2006 all daily rated workers who had put in 15 years of service would be regularized. It is not disputed that the deceased had put in 15 years of service and therefore, she would have been regularized and her salary would have been Rs.6030/- in the pay band of Rs.4530-13,000/-. Therefore, from the documents placed on record it is apparent that the deceased was bound to be regularized in near future. Her contribution to the house has not also been taken into consideration. Keeping in view her future prospects and her contribution to the home her income is assessed at Rs.7500/- per month. 1/3rd i.e. Rs.2500/- is deducted for her personal expenses leaving a balance of Rs.5000/- per month or Rs.60,000/- per year. Since the deceased was aged 43 years of age the relevant multiplier would be 14 and the compensation works out to Rs.8,40,000/-. In addition thereto, the husband is

held entitled to Rs.50,000/- for loss of consortium and Rs.10,000/- is awarded for funeral expenses.

[4] The total compensation is, therefore, assessed at Rs.9,00,000/-. The award is accordingly enhanced from Rs.2,45,360/- to Rs.9,00,000/ i.e. by Rs.6,54,640/- which is rounded off to Rs.6,55,000/-. The claimants shall also be entitled to interest on the enhanced sum of Rs.6,55,000/- @ 7.5% per annum from the date of filing of the claim petition till deposit of the amount. The insurance company has already satisfied the amount awarded by the learned Tribunal. It is therefore, directed to deposit the enhanced amount of compensation along with proportionate interest thereupon in the Registry of this Court within four months from today.

[5] The enhanced amount of compensation i.e. Rs.6,55,000/- is apportioned as follows:

Husband : Rs.3,55,000/- inclusive of the amounts awarded for funeral expenses and loss of consortium.

Children : Rs.1,00,000/- each.

[6] The appeal is disposed of in the aforesaid terms. No order as to costs.

Send down the lower Court records forthwith.

CHIEF JUSTICE