

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

MAC APP. NO.04 OF 2012

Appellant :

Sri Narayan Ghosh,
Son of Sri Manik Ghosh,
Resident of Charilam,
P.O. Charilam, P.S. Bishalgarh,
District- West Tripura.

By Advocate :

Mr. A. Dey, Advocate.

Respondents :

1. Smt. Munna Sarkar,
Wife of Late Dipak Sarkar,

2. Sri Chanki Sarkar,
Son of Late Dipak Sarkar,

3. Smt. Pinki Sarkar,
Daughter of Late Dipak Sarkar,

All are residents of JPC Club,
P.O. Agartala Head Office,
P.S. West Agartala, District- West Tripura,
(Legal heirs of owner of vehicle No.TRS 386)

4. Sri Nandan Acharjee,
Son of Sri Kalidas Acharjee,
Resident of Bakmara, New Colony,
P.O. Amtali, P.S. Amtali,
District- West Tripura,
(Driver of vehicle No.TRS 386),

5. National Insurance Company Ltd.,
Represented by its Divisional Manager,
Agartala Division, 42, Akhaura Road,
Agartala, P.O. Agartala Head Office,
District- West Tripura,
(Insurer of vehicle No.TRS 386).

By Advocate :

Mr. P. Chakraborty, Advocate.

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

Date of hearing &
Judgment & Order : **01.10.2015**

Whether fit for reporting : **NO**

JUDGMENT & ORDER(ORAL)

This appeal for enhancement of compensation is directed against the award dated 11.11.2010 passed by the learned Motor Accident Claims Tribunal, West Tripura, Agartala in T.S(MAC) No. 221 of 1995 whereby the Tribunal awarded compensation of Rs.16,000/- in favour of the claimant-appellant but interest has been awarded from 27.06.2009, the date when the case was restored to file.

(2) It is true that the accident took place in the year 1993 and normally compensation has to be assessed by taking into consideration the time when the accident took place. However, this Court cannot lose sight of the fact that the petition was filed in the year 1995 and was adjourned *sine-die* by the Tribunal sometime in the year 1999. The Tribunal had no power to adjourn the case *sine-die* but the learned Tribunal was right in holding that interest could not be awarded for the intervening period when the case remain adjourned *sine-die*.

(3) The amount awarded of Rs,16,000/- is on the lower side. Keeping in view the fact that the claimant had suffered a fracture and remain admitted in hospital either for 5 days or 8 days because there are two conflicting documents. I feel that the amount of compensation should be Rs.25,000/-. On this amount the claimant shall be entitled to interest @ 7.5% per annum from the date of filing of the claim petition i.e. 12.07.1995 till the petition was adjourned *sine-die* on 08.06.1999 and thereafter, from 27.06.2009 when it was restored till the amount is paid. The insurance company after adjusting the amount which has already

paid shall deposit the enhanced amount of compensation in the Registry of this Court within 3 months from today.

On the amount being so deposited, the same shall be released in favour of the claimant-appellant by remitting it to his Bank account details whereof may be filed in the Registry of this Court within two weeks from the date of receipt of the certified copy of this order.

(4) The appeal is disposed of in the aforesaid terms. No order as to costs.

Send down the LCRs forthwith.

CHIEF JUSTICE

Dipesh