

THE HIGH COURT OF TRIPURA
AGARTALA

MAC APP. NO.28 OF 2011

Smti. Usha Rani Chakraborty (Das),
W/O. Sri Shyamal Das,
Daughter of Sri Sankar Chakraborty,
Resident of Vill.- Ranirbazar, Lembucherra,
P.S.- Ranirbazar,
District- West Tripura,
Pin. No.-799035

..... Claimant-Appellant.

- V e r s u s -

The Commandant, C.R.P.F.
133 Bn.Panisagar, P.O.- Panisagar,
P.S.- Panisagar,
District- North Tripura,
Pin. No. -799260,
(Owner of AS-01F-8426 Maruti Gypsy).

..... Opposite Party- Respondent.

BEFORE
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA

For the appellant : Mr. S. Deb, Sr. Advocate
Mr. B. Debnath, Advocate

For the respondent : Mr. A. Roy Barman, CGC.

Date of hearing : 25.6.2015.

Date of judgment : 10.7.2015.

Whether fit for reporting : **NO**

JUDGMENT & ORDER

This appeal for the enhancement of compensation is directed against the award dated 07.01.2011 passed by the learned Motor Accident Claims Tribunal (Court No.3), West Tripura, Agartala, in Title Suit (MAC) No.391 of 2007 whereby he awarded compensation of Rs.1,40,000/- in favour of the claimant.

2. The claimant is the mother of the deceased who is a minor girl aged about 6 (six) years at the time of accident. The learned Tribunal took the income of deceased at Rs. 15,000/- per month, deducted 50% for the personal expenses of the deceased, applied multiplier of 18 and assessed the compensation at Rs. 1,40,000/-. In my view this compensation is wholly inadequate. The Supreme Court in **Puttamma and others v. K.L. Narayana Reddy and another: AIR 2014 SC 706** has clearly held that even under Section 163A in case of children upto the age of 5(five) years the compensation shall not be less than Rs.1,00,000/- and where the children are more than 5 years of age, the compensation shall not be less than Rs.1,50,000/-.

3. This is a petition under Section 166 of the Motor Vehicles Act. The claimant is also entitled to some amount on account of loss of her minor daughter and keeping all these facts into consideration I award a sum of Rs.2,50,000/- in favour of the claimant.

4. In view of above discussion, the appeal is allowed and the compensation is enhanced from Rs.1,40,000/- to Rs.2,50,000/- i.e. by Rs.1,10,000/-. The respondent is held liable to pay the said amount along with interest @ 7.5% per annum from the date of filing of the claim petition till payment/deposit of the amount. The respondent-CRPF has satisfied the award of the learned Tribunal. It is, therefore, directed to deposit the enhanced amount of Rs.1,10,000/- along with interest @ 7.5% per annum from the date

of filing of the petition, i.e.14.08.2007 till deposit of the amount in the Registry of this Court within 3(three) months from today.

5. The appeal is disposed of in the aforesaid terms.

6. Send down the lower court records forthwith.

CHIEF JUSTICE

Amrita