

THE HIGH COURT OF TRIPURA
AGARTALA

MAC App. No. 21 of 2012

Appellant:

The United India Insurance Company Ltd.,
Represented by its Divisional Manager, Agartala
Division, Old RMS Chowmuhani, P.O. Agartala,
P.S. West Agartala, District-West Tripura.
(Insurer of the vehicle No. AS-06B-8505(Gas
Tanker).

By Advocate :

Mr. P. Gautam, Adv.

Claimant-Respondents :

1. Sri Sunil Debnath,
S/o. Basanta Debnath, resident of Padmapur,
Dharmanagar, P.O. Dharmanagar, P.S-
Dharmanagar, District-North Tripura.

2. Smti. Kusum Debnath,
W/o. Sri Sunil Debnath, resident of Padmapur,
Dharmanagar, P.O. Dharmanagar, P.S.
Dharmanagar, District-North Tripura.

Owner-Respondent :

3. Sri Mukut Kishore Dev-verma,
S/o. Late Karna Kishore Dev-verma, resident of
Palace Compound, North Gate, Agartala, P.O.
Agartala, P.S. West Agartala, District-West
Tripura. (Owner of vehicle No. AS-06B-8505
Gas Tanker).

By Advocate :

Mr. A. Bhowmik, adv.

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

Date of hearing &
Judgment & Order : **9th September, 2015.**

Whether fit for reporting :

Yes	No
	√

JUDGMENT & ORDER(Oral)

This appeal by the insurance company is directed against the award dated 29.09.2011 passed by the learned Motor Accident Claims Tribunal, Dharmanagar, North Tripura in TS (MAC) No.04 of 2011 whereby the Tribunal awarded a sum of Rs.5,59,000/- in favour of the claimant.

[2] This is again another case where the learned Tribunal have not understood what are the grounds for granting compensation. Rupees ten thousand has been awarded to the parents for loss of consortium. It is an insult to the parents especially to the mother if she is held to be the consort of the son. The Judge probably did not understand what is the meaning of the word 'consortium'. Loss of consortium can only be awarded to the spouse and not to the parents or the children. Judges should understand that the word consortium is derived from the word 'consort' and, therefore, award of this amount to the parents is actually like insulting the parents.

[3] The only ground raised by the insurance company in appeal is that though $\frac{1}{3}$ rd of the income has been deducted for the personal expenses of the deceased, multiplier has been used by taking into consideration the age of the deceased. Legally this argument made by Sri Gautam, learned counsel for the appellant is correct, however, I find that the learned Court below has not added 50% to the income of the deceased in view of his future prospects. If that amount had been added then even if the multiplier was applied keeping in view the age of the parents the compensation would have been higher than what has been actually awarded. The deceased was only 24 years old. The total amount of compensation awarded is Rs.5,59,000/- which is very reasonable.

[4] Therefore, I find no merit in the appeal, which is accordingly dismissed. No order as to costs.

Send down the LCRs forthwith.

A copy of this judgment shall be circulated to all member of the Tripura Judicial Service.

CHIEF JUSTICE