

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

MAC App. No. 11 of 2014

Appellant :

The Oriental Insurance Company Ltd.,
Having its Divisional Office situated at 44/2,
Central Road, P/o-Agartala, P.S: East Agartala,
District-West Tripura, representing by the
Divisional Manager of the said Company.

By Advocate :

Mr. K. Bhattacharji, Adv.

Claimant-Respondent :

1. Smt. Jyotsna Ghosh,
W/o. Lt. Basanta Kumar Ghosh resident of
Manik Bhandar, P.O-Manikbhandar, P.S-
Kamalpur, District-Dhalai.

Owner-Respondent :

2. Sri Bikash Ghosh,
S/o. Late Basanta Kumar Ghosh, Village and
P.O- Manik Bhandar, P.S-Kamalpur, District-
Dhalai. [(Owner of the Vehicle No.TR04-7065
(Bike)].

By Advocates :

Mr. H. Debnath, Adv.
Ms. U. Chanda, Adv.

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

Date of hearing &
Judgment & Order : **11th June, 2015.**

Whether fit for reporting :

Yes	No
	√

JUDGMENT & ORDER (ORAL)

This appeal by the insurance company is directed against the award dated 17th May, 2013 passed by the learned Motor Accident Claims Tribunal, West Tripura, Agartala whereby the Tribunal awarded a sum of Rs.6,29,000/- in favour of the claimant.

[2] The only ground raised by the insurance company is that the award is excessive. The deceased was 32 years of age. The claim petition has been filed

by the mother of the deceased. It was alleged that the deceased was a businessman by profession and he was earning Rs.10,000/- per month. The learned Tribunal assessed the income of the deceased at Rs.5,000/- per month and added 30% for future prospects and for purpose of compensation assessed the income at Rs.6,500/- per month. There can be no dispute with regard to the multiplier used. In my opinion the award is absolutely reasonable calling for no interference whatsoever.

[3] The main ground raised by Mr. Bhattacharji is that since there was no proof of income, future prospect could not be taken into consideration. I am not in agreement with his submission. Supposing the income is assessed on the basis of the minimum wages being paid or on the basis of a conjecture with regard to the income of a vendor, such labourer or vendor also has future prospects. The income of such labourer or vendor will also increase over time. Therefore, I find no error at all in the award.

[4] In view of the above discussion, the appeal is dismissed. It is however, directed that out of the amount deposited only a sum of Rs.2,00,000/- shall released in favour of the claimant-widow. The Balance shall be kept in fixed deposit initially for a period of 3(three) years and thereafter Rs.1,00,000/- shall be released every year till the entire amount is released to widow. This order has been passed to protect the interest of the widow who is an illiterate lady.

No order as to costs.

Send down the lower Court records forthwith.

CHIEF JUSTICE