

THE HIGH COURT OF TRIPURA
AGARTALA

MAC APP. 60 OF 2011

Sri Hiralal Debnath,
S/O. Sri Gouranga Debnath,
Resident of Milan Chakra, P.O.-A.D. Nagar,
P.S.-West Agartala, Agartala,
District-West Tripura.

.... Appellant.

- V e r s u s -

1. Sri Biswajit Banik,
S/O Sri Nepal Banik,
Resident of Madhuban,
P.S.-Amtali, District-West Tripura.

2. The New India Assurance Company Limited,
Having its office at Mantri Bari Road,
P.S.-West Agartala, Agartala,
District-West Tripura.

.... Respondents.

BEFORE
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA

For the appellant : Mr. P.S. Roy, Advocate.

For the respondent No.2 : Mr. K. Bhattacharji, Advocate.

Date of hearing and : 22.06.2015.
delivery of judgment
and order.

Whether fit for reporting : **NO.**

JUDGMENT & ORDER (ORAL)

This appeal for enhancement of compensation is directed against the award dated 07.3.2011 passed by the learned Motor Accident Claims Tribunal, Court No.3, West Tripura, Agartala

whereby he awarded compensation of Rs.20,009/- in favour of the claimant.

2. The undisputed facts are that the claimant received an injury to his left hand in a motor vehicle accident. He was taken to the hospital where he was treated in the outpatient department and was not even admitted for a day. He thereafter went to the hospital on three occasions to get dressing done. This is the entire evidence with regard to his treatment. The claimant has also produced a disability certificate which shows the disability to the extent of 10%.

3. The learned Tribunal has awarded Rs.5,000/- for pain and suffering which, in my opinion, is more than reasonable keeping in view the fact that the claimant was not even admitted in hospital for a day. He has been awarded Rs.3,009/- towards cost of treatment on the basis of the cash memos submitted by him. On going through the cash memos, I find that a large number of them are for B-complex tablets like Becosules etc. which any person of the age of 58 would have given otherwise also. Therefore, I find that the award is reasonable under this head also.

4. The claimant was 58 years of age. He had already retired from Government service. This disability of 10% is not to his body, but only to the hand. In the medical certificate, it is mentioned that the disability is only for a period of 5(five) years

and in my view, this disability does not in any way affect the earning capacity of the claimant. He has been awarded another sum of Rs.10,000/- for loss of discomfort and amenities of life and Rs.2,000/- for transportation charges which are reasonable.

5. Therefore, I find no reason to enhance the award. The appeal is accordingly dismissed.

6. Send down the lower court records forthwith.

CHIEF JUSTICE