

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

MAC App. No. 63 of 2011

Appellant:

The New India Insurance Company Ltd.
Agartala Branch, Mantribari Road, Agartala,
P.S. West Agartala, Dist. West Tripura,
Represented by its Branch Manager.

By Advocate :

Mr. P. Chakraborty, Adv.

Claimant-Respondents :

1. Smt. Jashu Rani Sarkar,
W/o. Lt. Purna Chandra Sarkar.

2. Sri Tushar Kanti Sarkar,
S/o. Lt. Pradip Sarkar.

3. Smt. Pallavi Sarkar,
D/o. Lt. Pradip Sarkar.

4. Smt. Sonali Sarkar,
D/o. Lt. Pradip Sarkar.

All are permanent resident of Chakmaghat, P.S.
Teliamura, Dist. West Tripura, at present C/o.
Sri Sanjit Das of Dimsagar, P.O. Agartala, P.S.-
West Agartala, Dist.-West Tripura.

By Advocate :

Mr. D. Bhattacharji, Adv.

Respondent-O.P. No. 1 :

5. Sri Ranjan Das,
S/o. Sri Manindra Ch. Das, Vill. & P.O-Karailong
(Near Shishu Bihar Chowmuhani, P.S-
Teliamura, Dist. West Tripura. (Owner of
vehicle bearing No. AS-01-S-1979, Truck).

By Advocate :

None.

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

Date of hearing &
Judgment & Order : **28th July, 2015.**

Whether fit for reporting :

Yes	No
	√

JUDGMENT & ORDER (ORAL)

This appeal by the insurance company is directed against the award dated 03.03.2011 passed by the learned Motor Accident Claims Tribunal, West Tripura, Agartala in T.S(MAC) No.482 of 2005 whereby the Tribunal awarded a sum of Rs.4,65,000/- as compensation to the claimants.

[2] The only issue raised is that the amount of compensation granted is excessive.

[3] The learned counsel for the appellant in support of his contention submits that (i) the deceased was not a permanent employee and only getting an honorarium, (ii) that deduction of 1/5th meant for his personal expenses is on the lower side and at least 1/3rd and 1/4th should have been deducted for his personal expenses and (iii) lastly, it was urged that deceased was only getting an honorarium of Rs.1500/- per month and his income has wrongly been taken to be Rs.2000/- per month.

[4] The accident took place in the year 2005. Any able bodied person would earn more than Rs.100/- to Rs.150/- per day and the honorarium is only part of the income of the deceased and not his total income. If the deceased was working as a Special Police Officer (SPO) he would get the salary only for the days when he was actually put on job and he could do other work on other days. In any event, the salary taken at Rs.2000/- is very very conservative and even by adding 50% for future prospects it has only been taken to be Rs.3,000/- per month.

[5] I am clearly of the view that the award is in fact slightly on the lower side but since there are no cross-objection by the claimants the same cannot be enhanced.

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

Send down the LCRs forthwith.

CHIEF JUSTICE