

THE HIGH COURT OF TRIPURA

AGARTALA

MAC App. No. 110 of 2011

Claimant-Appellant :

Sri Sukhamoy Lodh,

S/o. Late Nagendra Lodh, Resident of Vill-Harina, P.S-Sabroom, District-South Tripura.

By Advocate :

Ms. P. Ghatak, Adv.

Opposite Party-Respondents :

1. Smti Rikta Saha,

W/o. Sri Pannalal Saha of 74/1, Central Road, Agartala, P.S-West Tripura, P.O-Agartala, District-West Tripura, Owner of TRL-2209(Truck).

2. The Branch Manager,

National Insurance Company Ltd., Agartala Branch, 42, A.K. Road, P.O. Agartala, District-West Tripura.

By Advocate :

Mr. S. Bhattacharji, Adv.

B E F O R E

HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA

Date of hearing &
Judgment & Order : **6th July, 2015.**

Whether fit for reporting :

Yes	No
	√

JUDGMENT & ORDER (ORAL)

This appeal for enhancement of compensation is directed against the award dated 19.08.2011 passed by the learned of the Motor Accident Claims Tribunal, Court No.2, West Tripura, Agartala in T.S(MAC) No.712 of 2003 whereby an amount of Rs.37,414/- has been awarded to the claimant under the following heads:

- | | |
|------------------------|---------------|
| (i) Pain and suffering | = Rs.18,000/- |
| (ii) Attendant charges | = Rs. 5,100/- |

(iii) Transportation	= Rs. 500/-
(iv) Medical expenses	= Rs. 4,814/-
(v) Loss of income	<u> = Rs. 9,000/-</u>
Total :	Rs.37,414/-

[2] The most important factor which was totally lost sight of by the learned Tribunal was that the accident took place in the year 1999 and the attendant charges, the income of the deceased all have to be calculated by taking the wages as they existed in 1999 and not in 2011 when the award was passed. The learned Tribunal has awarded Rs.18,000/- for pain and suffering in a case where there is no permanent disability and where the claimant remained in hospital only for 18(eighteen) days. Pain and suffering is not relatable to number of days stayed in a hospital but it also related to nature of injuries, the extent of pain etc. this portion of the award is on the higher side.

[3] The learned Tribunal awarded Rs.5100/- for attendant charges @ Rs.300/- per day not realizing that he was fixing attended charges payable in the year 1999 when the daily wages in Tripura would have been barely about Rs.60/- to Rs.70/- a day. The award is on the lower side as far as the medical expenses etc. is concerned but that is more than offset by the excessive award made under other heads.

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

Send down the lower Court records forthwith.

CHIEF JUSTICE