

THE HIGH COURT OF TRIPURA
AGARTALA

MAC APP. No.115 OF 2011

Sri Tapas Saha,
Son of Sri Anil Saha,
Resident of Village Kashipur,
P.O.-Ranirbazar, P.S.-East Agartala,
District- West Tripura.

.....Appellant.

- V e r s u s -

- 1. Sri Anjan Saha,**
Son of Late Makhan Lal Saha,
Village Town Pratapgarh (Near Udayaman Sangha),
P.O.- College Tilla,
P.S.- East Agartala,
District- West Tripura,
(Owner of the Vehicle bearing
No. TR-01-1829 Truck)
- 2. ICICI Lombard General Insurance Company Ltd.,**
Gauhati Office, Guwahati,
Notice to be served through its Branch
Manager, Agartala Branch at Motorstand,
Agartala, PIN-799001,P.S.- East Agartala,
District- West Tripura,
(Insurer of the Vehicle No. TR-01-1829 Truck)
- 3. Md. Alkash Miah,**
Son of Late Jadu Miah,
Resident of Village Durgapur, Sonamura,
P.O.- Durgapur, P.S.- Sonamura,
District- West Tripura
[Owner of the vehicle bearing No. TR 01-B-3738(Cruiser)]
- 4. United India Assurance Co. Ltd.**
Represented by its Branch Manager,
Agartala, Agartala Branch,
Thana Road, Ganaraj Chowmuhan, Agartala,
West Tripura,
[Insurer of TR 01-B-3738(Cruiser)]

.....Respondents.

**BEFORE
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA**

For the appellant : Mr. P. Roy Barman, Advocate
Mr. P. Maishan, Advocate

For
Respondent No.2 : Mr. H. Deb, Advocate
Respondent No.4 : Mr. S.D. Choudhury, Advocate

Date of hearing and : 20.8.2015
delivery of judgment
and order.

Whether fit for reporting : **NO.**

JUDGMENT & ORDER (ORAL)

This appeal for enhancement of compensation by the claimant is directed against the award dated 16th March, 2011 passed by learned Motor Accident Claims Tribunal(Court No.1), West Tripura, Agartala in Case No.TS(MAC)56 of 2009 whereby the learned Tribunal has awarded a sum of Rs.62,000/- along with interest to the claimant as compensation under the following heads:

- (i) Cost of treatment : Rs.20,000/-
- (ii) Future treatment : Rs. 5,000/-
- (iii) Loss of income : Rs.30,000/-
- (iv) Pain & suffering : Rs. 7,000/-

Total: Rs.62,000/-

2. As far as cost of treatment and future treatment is concerned, I am of the considered view that the amount is reasonable calling for no enhancement. The amount awarded for loss of income is also more than reasonable. The only issue is, whether the amount of Rs.7,000/- for pain & suffering is reasonable and whether the claimant-appellant is entitled to some other amount for attendant charges etc.

3. Keeping in view the fact that the claimant remained under treatment on two different stages for about 13 days and keeping in view the fact that the claimant suffered a fracture, I feel that the amount for pain & suffering should be increased at Rs.15,000/- and he should also be awarded another sum of Rs.5,000/- for attendant charges. The total compensation is, therefore, assessed at Rs.(20,000 + 5,000 + 30,000 + 15,000 + 5,000)/- = **Rs.75,000/- (Rupees seventy five thousand)**.

4. In view of the above discussion, the appeal is partly allowed. The award of the learned Tribunal is modified and the compensation is enhanced from Rs.62,000/- to Rs.75,000/-. The claimant shall also be entitled to interest @ 9% per annum on the entire awarded amount from the date of filing of the claim petition till payment/deposit of the same. It appears that the insurance company has already deposited some portion of the

awarded amount and, therefore, it is directed to deposit the balance awarded amount with the Registry of this Court within 12(twelve) weeks from today. Obviously, the insurance company shall be entitled to adjust the amount(s), if any, which it has already paid or deposited.

Appeal is disposed of. Send down the LCRs forthwith.

CHIEF JUSTICE

amrita