

**THE HIGH COURT OF TRIPURA
AGARTALA**

MAC APP. No. 119 of 2011

Shri Ramu Sarkar,
S/O. Shri Dilip Sarkar,
C/O. Shri Sudhir Adhikari,
resident of Laxminarayan Bari Road,
Behind Sherowali Travels,
P.S. West Agartala,
District- West Tripura.

.....Appellant.

- *Vs* -

- 1. Shri Prahalad Chandra Saha,**
S/O. Late Manindra Chandra Saha,
resident of Rajghat Melaghar,
P.S. Melaghar, District- West Tripura.
(Owner of Vehicle No. TR-01-1598(Truck).
- 2. Shri Priyalal Ghosh,**
S/O. Dhananjoy Ghosh,
resident of Bagma, P.S. R.K.Pur,
District- South Tripura.
(Owner of Vehicle No.TR-01-2367-Jeep).
- 3. The Branch Manager,**
United India Insurance Company Limited,
13, Thana Road, Ganaraj Chowmuhani,
P.S. East Agartala,
District- West Tripura.
(Insurer of Vehicle No. TR-01-1598-Truck).
- 4. The Divisional Manager,**
National Insurance Company Limited,
of A.K. Road, near I.G.M. Hospital,
P.S. West Agartala,
District- West Tripura.
(Insurer of Vehicle No.TR-01-2367-Jeep).

.....Respondents.

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

For the petitioner : None.

For the respondents : Mr. P. Gautam, Advocate.

Date of hearing & delivery
of Judgment & Order : 28.09.2015.

Whether fit for reporting : **YES/No.**

JUDGMENT & ORDER (ORAL)

On the last date Sri. A. Nandi learned counsel for the appellant had stated that the appellant had not contacted. Therefore, this Court had directed the Registry to issue notice to the appellant Shri Ramu Sarkar to make necessary arrangements for his appearance. Mr. Nandi is permitted to withdraw from this case since the appellant has not contacted.

2. Notice was issued but the same has been received back unserved with the remark that he is not available at the address given in the appeal. The appellant has neither contacted his counsel nor has he responded to the notice issued by this Court. Therefore, I have no option but to decide the appeal on merits in his absence.

3. This appeal by the appellant-claimant is directed against the award dated 01.09.2011 passed by the learned Member, Motor Accident Claims' Tribunal, Court No. 2, West

Tripura, Agartala whereby, a sum of Rs.94,600/- was awarded in favour of the claimant.

4. The appellant remained admitted in hospital for almost one month and had suffered fracture of the joint bone of the right leg. He was awarded Rs.25,000/- for pain & suffering. He was also awarded Rs.12,600/- for attendant charges @ Rs.200/- per day and some transportation expenses. He was also awarded a sum of Rs.16,800/- towards the cost of medicines. The claimant has been awarded Rs.10,000/- for loss of income for four months by taking with his income to be Rs.2,500/- per month. With regard to future, loss of income has been taken at 20% and has been awarded for five years and, therefore, a total amount of Rs. 94,600/- has been awarded.

5. In my view the amount of award is just and reasonable, calling for no enhancement. Therefore, the appeal is dismissed.

CHIEF JUSTICE

Satabdi