

THE HIGH COURT OF TRIPURA AGARTALA

MAC APP NO.123 OF 2011

Shri Indresh Roy alias Indrajit Roy,
Son of Shri Ganesh Roy "Govinda Roy",
of Kunjaban, Gurkhabasti,
P.O. Kunjaban, P.S. East Agartala,
District-West Tripura.

.....Appellant.

VERSUS

Shri Partha Bhadra,
Son of late Dipak Bhadra,
Resident of Sekerkote, Darogabari,
P.O. Sekerkote, P.S. Amtali,
District-West Tripura.

..... Respondent-Claimant.

BEFORE HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA

For the appellant	: Mr. G.S.Bhattacharji, Advocate.
For the respondent	: Ms. Kuhali Biswas, Advocate.
Date of hearing and delivery of judgment	: 22.7.2015.
Whether fit for reporting	: NO.

JUDGMENT AND ORDER (ORAL)

This appeal, by the owner, is directed against the award dated 31.01.2011 passed by the learned Motor Accident Claims Tribunal (Court No.3), West Tripura, Agartala awarding a sum of Rs.4,71,288/- in favour of the claimant.

2. The undisputed facts are that the deceased Smti. Shila Rani Das (Bhadra) was hit by the motor cycle of the appellant-owner and received severe head injury and died as a result of the

same. The claimant, who is the son of Smti Shila Rani Das (Bhadra), filed the claim petition claiming compensation.

3. The learned Tribunal held that the accident occurred due to the rash and negligent driving of the owner. As far as the compensation is concerned, it was found that the deceased was working in the Forest Office and getting a salary of Rs.6,560/-. The learned Tribunal deducted 1/3rd for her personal expenses and assessed the total compensation at Rs.9,42,576/-. He deducted 50% for the personal expenses of the deceased and awarded Rs. 4,71,288/-.

4. The deceased Smti. Shila Rani Das (Bhadra) was born on 09.01.1963 and her total emoluments at the time of the accident was Rs.6,560/-. She was aged 44 years at time of incident and the learned Tribunal has applied the multiplier of 14, as per **Sarla Verma's** case.

5. This award is not at all on the higher side. In fact, it is slightly on the lower side, because the future prospects of the deceased have been not taken into consideration. Therefore, I find no merit in this appeal which is, accordingly, dismissed.

6. Send down the LCRs forthwith.

CHIEF JUSTICE

Satabdi/Sukhendu