

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

MAC APP. No. 6 of 2021

1. The Union of India represented by the Secretary, Home, Government of India.
2. The Commandant, 34th Assam Rifles, Agartala, Tripura.

.... Appellants

- Versus -

1. Smt. Thoudam (O) Anita Devi, aged about 42 years, W/o late Thoudam Jiten Singh of Leishangthem Thoubal, P.O. & P.S. Thoubal, Thoubal District, Manipur.
2. Km. Thoudam Alisia Devi, aged about 21 years, D/o late Thoudam jiten Singh of Leishangthem Thoubal, P.O. & P.S. Thoubal, Thoubal District, Manipur.
3. Km. Thoudam Domi Devi, aged about 16 years, D/o late Thoudam Jiten Singh of Leishangthem Thoubal, P.O. & P.S. Thoubal, Thoubal District, Manipur being a minor represented by her natural mother, Smt. Thoudam (O) Anita Devi, aged about 42 years, W/o late Thoudam Jiten Singh of Leishangthem Thoubal, P.O. & P.S. Thoubal, Thoubal District, Manipur.
4. Master Thoudam David Singh, aged about 13 years S/o late Thoudam Jiten Singh of Leishangthem Thoubal, P.O. & P.S. Thoubal, Thoubal District, Manipur being a minor represented by her natural mother, Smt. Thoudam (O) Anita Devi, aged about 42 years, W/o late Thoudam Jiten Singh of Leishangthem Thoubal, P.O. & P.S. Thoubal, Thoubal District, Manipur.
5. Md. Rahimuddin, aged about 61 years, S/o (L) Md. Basiruddin of Chirai Mayang Imphal, P.O. & P.S. Mayang Imphal, Imphal West District, Manipur.

..... Respondents

B E F O R E
HON'BLE MRS. JUSTICE GOLMEI GAIPHULSHILLU

For the appellants : Mr. S. Samarjit, Senior PCCG
For the respondents : Mr. S. Jibon, Advocate
Date of hearing : 08.08.2024
Date of Judgment &
Order : **26.09.2024**

JUDGMENT & ORDER
(CAV)

[1] Heard Mr. S. Samarjit, learned senior PCCG appearing for the appellants and Mr. S. Jibon, learned counsel appearing for the respondents.

[2] The present appeal has been instituted under Section 173 of the Motor Vehicles Act, 1988 against the judgment and order dated 29.08.2019 passed by the Ld. Motor Accidents Claims Tribunal, Manipur in MAC Case No. 50 of 2011 with the following prayers:

- (i) To admit this appeal and call for records of MAC Case No. 50 of 2022.
- (ii) To set aside the impugned judgment & order and award dated 29.08.2019 passed in MAC Case No. 50 of 2011 as the same was not passed after proper finding on the materials of the case.

[3] During the course of hearing, Mr. S. Samarjit, learned senior PCCG appearing for the appellants draws the attention of this Courts order dated 04.04.2022 passed in MC(MAC APP) No. 5 of 2021 (Ref. : MAC APP. No. 6 of 2021). The operative portion of the said order is extracted herein below:

"[5] The miscellaneous cases are accordingly disposed of granting stay of the Award under appeal subject to the appellants depositing 50% of the amount awarded along with interest thereon, calculated till today, to the credit of Motor Accident Claims Case No. 50 of 2011 on the file of the Motor Accident Claims Tribunal, Lamphelpat, within two months from the date of receipt of a copy of this order."

[4] Further, the learned senior PCCG draws the attention of this Court's order impugned herein passed in Motor Accident Claims Case No. 50 of 2011. The relevant portions of the said order are extracted herein below:

"17. The claimant as PW No. 1 has stated that her husband deceased Thoudam Jiten Singh was serving as a Pharmacist in the Health Department, Govt. of Manipur, drawing a monthly salary of Rs. 12,124/- only per month and this has been supported by the exhibits at Ext. A-7 and Ext. A-8.

18. This Court has also examined that the deceased husband of the claimant was only 37 years old at the time of his health and was in sound health condition.

Hence, the claimant is entitled to the following award for compensation amount as detailed below:

| <i>Sl. No.</i> | <i>Details of the award/compensation</i> | <i>Total amount</i> |
|----------------|--|------------------------|
| <i>1.</i> | <i>Loss of earing due to death calculated for Pharmacist at the rate of Rs. 12,124/- per month: Rs. 12,124/- X 12 months X 16 multiplier = Rs. 23,27,808/- - 1/10th i.e. Rs. 2,32,780/- = Rs. 20,95,028/-</i> | <i>Rs. 20,95,028/-</i> |
| <i>2.</i> | <i>Loss of consortium</i> | <i>Rs. 40,000/-</i> |
| <i>3.</i> | <i>Funeral Expenses</i> | <i>Rs. 15,000/-</i> |
| <i>4.</i> | <i>Total</i> | <i>Rs. 21,50,028/-</i> |

[5] Both the learned counsels appearing for the parties admitted the fact that –

- (i) There was an accident involving the motorcycle (Bajaj Platina) of the respondent and the vehicle of the appellants i.e. Tata 407 Truck on 31.12.2009. Due to that accident, the respondent sustained bodily injuries.
- (ii) Vide order dated 04.04.2022 passed in MC(MAC APP) No. 5 of 2011 (Ref. : MAC APP No. 6 of 2021), the appellants were directed to deposit 50% of the amount awarded with interest calculated till the day of passing the order to the account of Motor Accident Claims Tribunal within a period of 2 (two) months. Accordingly, the appellants deposited the calculated amount and the same was already withdrawn by the respondent.
- (iii) A sum of Rs. 1,00,000/- (Rupees one lakh) was paid to the respondent as agreed upon in an agreement deed dated 08.01.2010 executed between the two parties.

[6] After hearing both the learned counsels appearing for the parties at length and after going through the facts and circumstances as narrated above and the above admitted facts, the present case is

disposed by directing the appellants to pay the remaining half of the awarded amount without interest after deducting a sum of Rs. 1,00,000/- (Rupees one lakh) which had already been paid to the respondent as per the agreement deed dated 08.01.2010 and also a sum of Rs. 25,000/- (Rupees twenty five thousand) which had already been deposited to the Registry in connection with filing of the instant appeal as per Section 173 of the Motor Vehicles Act, 1988, to the respondent within a period of 2 (two) months.

Further, it is directed to the appellants to deposit the said remaining amount of Rs. 9,50,014/- (Rupees nine lakh fifty thousand and fourteen) to the account of Registrar General, High Court of Manipur.

[7] The Registry is directed to release the said amount of Rs. 9,50,014/- (Rupees nine lakh fifty thousand and fourteen) with the said sum of Rs. 25,000/- (Rupees twenty five thousand) as aforementioned in favour of the respondent subject to proper verification.

[8] With the above direction, the present appeal is disposed of.

JUDGE

Bipin