

HIGH COURT OF TRIPURA
AGARTALA

No.F.44(11)-HC/2016/ 497

Dated, Agartala, the 09th January,2017

NOTIFICATION

With a view to formulate consensual guidelines for an early and effective settlement of Motor Accident claims / Appeals in Lok Adalats in order to alleviate the sufferings of the victims of road-traffic accidents, a meeting chaired by His Lordship, Hon'ble the Chief Justice of the High Court was held in the Auditorium of the High Court of Tripura at 4.30 P.M on 12.12.2016 in presence of Hon'ble Mr. Justice S. C. Das, Judge High Court of Tripura & Executive Chairman of the Tripura State Legal Services Authority.

The Chief Regional Managers of the National Insurance Company Limited, New India Assurance Company Limited, the Oriental Insurance Company Limited & United India Insurance Company Limited along with their Divisional Managers & Branch Officers attended the meeting. Besides them, the Secretary, Tripura High Court Bar Association, the President & the Secretary of Tripura Bar Association and some of the Lawyers representing the Insurance Companies in the High Court and MAC Tribunals and Lawyers representing the claimants in such cases were present in the meeting.

Learned Members of the Bar and the Officers representing the Insurance Companies present in the meeting unanimously agreed to the following guidelines to be followed in the settlement of Motor Accident Claim Cases / Appeals in Lok Adalats, unless, otherwise decided by the Hon'ble Supreme Court of India in these matters.

"Guidelines :

Paragraphs:

1. In the cases of composite negligence where several insurance companies are involved, each of the companies shall have equal liability.
2. (i) In the cases where no income proof of the injured/ deceased issued by the competent authority is submitted, notional wages for determination of compensation in the claim cases/appeals involving accidents which had taken place **on or before 31.12.2010** shall be as follows:
 - a. Unskilled workers :Rs. 4,000/-per month.
 - b. Skilled workers :Rs.5,000/- per month.
 - c. LMV driver (on production of license) :Rs.8,000/- per month.
 - d. Lorry driver(on production of license) :Rs.12,000/-per month.
 - e. Handyman :Rs.5,000/- per month.

(ii) In the cases, as in the preceding paragraph, notional wages in the claim cases/appeals involving accidents which had taken place after 31.12.2010 shall be as follows:

- a. Unskilled workers :Rs.5,000/-per month.
- b. Skilled workers :Rs.6,000/- per month.
- c. LMV driver (on production of license) :Rs.9,000/- per month.
- d. Lorry driver(on production of license) :Rs.13,000/-per month.
- e. Handyman :Rs.6,000/- per month.

(iii) Determination of the percentage of income towards future prospect in addition to such notional / actual income shall be made in terms of the ratio decided by the Hon'ble Supreme Court in **Sarla Verma (Smt) & Others Vs. Delhi Transport Corporation and Another** .

3. In the cases involving death, the general damages and conventional amount should be Rs. 1 lakh, which shall include the amount of compensation paid for loss of consortium, in case the deceased is survived by wife and other dependents. If the deceased is not survived by wife, such conventional amount for the dependents will be Rs.60,000/-.

4. In the cases involving the death of a child below the age of 10 years, compensation should not be less than Rs.2,50,000/-.

5. Compensation for pain, agony and loss of amenities in the cases involving permanent disability should be proportionate to the percentage of disability. If the disability is 100 percent then compensation for pain, agony and loss of amenities will be Rs. 1 lakh.

6. (1) Under the heads of 'Pain & Agony' for non-scheduled injuries, the amount of compensation should be as follows:

- (i) Simple fracture :Rs.25,000/-
- (ii) Comminuted Fracture :Rs.40,000/-
- (iii) Additional independent fracture :Rs.5,000/-
- (iv) For Loss of tooth or injury to tooth or any phalanges
 - a) Per Tooth :Rs.10,000/-
 - b) Metacarpals/metatarsals :Rs.40,000/-
- (v) Fracture of rib
 - a) Hairline or single rib fracture :Rs.20,000/-
 - b) Multiple fracture :Rs.40,000/-
- (vi) Fracture of collar bone :Rs.20,000/-

- (vii) Injury or fracture of kneecap/patella
- (i) Not requiring operation :Rs.20,000/-
- (ii) Requiring operation :Rs.40,000/-
- (viii) Fracture of any other joint not covered above :Rs.40,000/-
- (ix) Cerebral concussion, without disability :Rs.15,000/-
- (x) Skull fracture, without disability :Rs.20,000/-
- (xi) Head injury with hematoma :Rs.40,000/-
- (xii) Vertebra injury, without disability :Rs.40,000/-
- (xiii) Nasal bone :Rs.15,000/-
- (xiv) Facial bone fracture (maxilla/ zygomatic /mandible) :Rs.40,000/-

(2) The amount of compensation, as above, shall be in addition to the actual expenditure incurred by the injured claimant for his / her treatment.

7. Under the heads of 'discomfort and loss of amenities' for non-scheduled injuries, Rs.10,000/- should be allowed for 'future discomfort'. In the 'established cases of discomfort' it should be double the percentage of disability. For instance, if the disability is determined as 10%, the amount to be paid under this head should be Rs.20,000/-
8. The settled amount of compensation shall be deposited in the account of the Tribunal or High Court, as the case may be, within a period of six weeks, failing which the amount shall carry an interest at the rate of **10 percent per annum**.
9. These guidelines should not be treated as exhaustive. The claimant(s)/appellant(s) shall not be denied such other compensation, as may be legally admissible to them, which are not covered under these guidelines.
10. These guidelines shall apply to the settlement of Motor Accident Claim cases / appeals only in **Lok Adalats** in Tripura."

The order of the Hon'ble Supreme Court of India passed in **Jai Prakash Vs. National Insurance Company Limited & Others** on 13.05.2016 was also discussed in the meeting for strict compliance of the order.

It has also been **decided** that henceforth quarterly Lok Adalats shall be organized by the State Legal Services Authority exclusively for disposal of MAC Cases and Appeals and the first of such Lok Adalat shall be held in February, 2017. In case the date of the National Lok Adalat coincides with the

date of such quarterly Lok Adalat, the National Lok Adalat will be given priority and a later date will be fixed for holding of such quarterly Lok Adalat without affecting the periodicity. Communication may be made to the Member Secretary, Tripura State Legal Services Authority for compliance.

This order shall come into force with immediate effect.

Sd/-

(S.G.Chattopadhyay)

Registrar General.

No.F.44(11)-HC/2016/498-546

Dated, Agartala, the 09th January, 2017

Copy to:-

1. The President, High Court Bar Association for kind information.
2. The Advocate General, Tripura, Agartala.
3. The Chief Secretary, Government of Tripura, Agartala.
4. The Director General of Police, Agartala, Tripura.
5. The LR & Secretary, Law, Government of Tripura, Agartala.
6. The Secretary, Tripura Bar Association, Agartala.
7. The Director, Tripura Judicial Academy, High Court of Tripura, Agartala.
8. The Asstt. Solicitor General, Govt. of India, High Court of Tripura, Agartala.
9. The Public Prosecutor, High Court of Tripura, Agartala.
10. The Govt. Advocate, High Court of Tripura, Agartala.
11. The District & Sessions Judge, South Tripura Judicial District, Belonia /West Tripura Judicial District, Agartala/ North Tripura Judicial District, Dharmanagar/ Unakoti Judicial District, Kailashahar / Gomati Judicial District, Udaipur for information and necessary action.
12. The Registrar (Vigilance), High Court of Tripura, Agartala.
13. The Registrar (Judicial), High Court of Tripura, Agartala.
14. The Principal Secretary to the Hon'ble Chief Justice, High Court of Tripura, Agartala.
15. The Registrar (Admn.), High Court of Tripura, Agartala.
16. All Chief Regional Managers of the General Insurance Companies at Guwahati, Assam.
17. The Joint Registrar, High Court of Tripura, Agartala.
18. All Deputy Registrars, High Court of Tripura, Agartala.
19. The Secretaries to the Hon'ble Judges, High Court of Tripura, Agartala.
20. All Divisional Managers & Branch Managers of all General Insurance Companies running their office in Tripura.
21. The Secretary to the Registrar General, High Court of Tripura, Agartala.
22. All Assistant Registrars, High Court of Tripura, Agartala.
23. The System Analyst, Computer Section, High Court of Tripura, Agartala with a direction to upload the same in the official website of the High Court of Tripura.
24. Concerned file.


REGISTRAR GENERAL