

**HONOURABLE SRI JUSTICE A. SHANKAR
NARAYANA**

M.A. C.M.A. No.1649 OF 2005

JUDGMENT:

The deceased is wife of petitioner No.1. The facts are not in dispute such as the manner in which the accident had occurred and the dependency in terms of the domestic services rendered by the deceased. The petitioners were granted a total compensation of Rs.1,50,000/-. Not satisfied with the same, the instant appeal is preferred on the ground that the compensation granted by the Tribunal is very meagre and therefore, sought enhancement.

2. Heard Sri P. Radhiva Reddy, learned counsel for the appellants - petitioners, and Sri Kota Subba Rao, learned counsel for respondent No.2 - insurer.

3. The Tribunal somehow, went wrong in not considering services of the deceased Smt. Vislavath Padma to the petitioners, who are her husband, parents-in-law and parents, respectively, and granting Rs.15,000/- towards consortium to petitioner No.1, Rs.10,000/- towards medical and incidental expenses and Rs.5,000/- towards transportation and funeral expenses, and, in all granted Rs.1,50,000/- apportioning the same among all

the petitioners.

4. Learned counsel for the insurer fairly concedes that value of domestic services rendered by the deceased can be assessed at Rs.2,000/- per month. When the same is taken for the purpose of determination of compensation, the value works out to Rs.24,000/- per annum and if $\frac{1}{3}^{\text{rd}}$ ($\text{Rs.}24,000/- \times \frac{1}{3} = \text{Rs.}8,000/-$) is deducted therefrom, the remainder of Rs.16,000/- can be viewed towards the loss which the petitioners have suffered in terms of domestic services rendered by the deceased. Since the deceased was aged 22 years, multiplier factor '18' would be applicable in view of the decision of the Hon'ble Supreme Court in **Sarla Verma v. Delhi Transport Corporation**^[1]. When the multiplier '18' is applied, compensation works out to Rs.2,88,000/- ($\text{Rs.}16,000/- \times 18$). The petitioners are also entitled to conventional sum of Rs.30,000/-.

5. Thus, the petitioners are entitled to a total compensation of Rs.3,18,000/- (Rupees three lakhs eighteen thousand only) as against Rs.1,50,000 awarded by the Tribunal, and the same is accordingly awarded. However, the rate of interest granted by the Tribunal at 9% per annum is maintained on the amount of Rs.1,50,000/- granted by the Tribunal, but, on the enhanced amount,

interest is granted at 7.5% per annum in view of the decision of the Hon'ble Supreme Court in **Rajesh and others v. Rajbir Singh and others**^[2], from the date of petition till realisation.

6. Accordingly, the Civil Miscellaneous Appeal is allowed in part modifying the impugned order and enhancing the compensation, as indicated above. There shall be no order as to costs.

As a sequel thereto, Miscellaneous Applications, if any, pending in the appeal stand disposed of.

A. SHANKAR NARAYANA, J

April 11, 2016.

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^[1] (2009) 6 SCC 121

^[2] 2013ACJ1403 = 2013(4)ALT35