

SMT JUSTICE T. RAJANI

M.A.C.M.A.No.1087 of 2008

JUDGMENT:

This appeal is preferred by the appellant, who is 2nd respondent—insurer before the Court below, assailing the judgment of Additional District Judge, Adilabad in O.P. No.214 of 1997 dated 05.02.1999 on the grounds that the lower Court failed to see that there was no rash and negligent driving on the part of the driver of the crime vehicle, PW.1 is not an eye witness and the driver of the crime vehicle has no valid driving licence and that multiplier adopted by the Court below is not correct.

2. Heard both sides.

3. At the hearing, the learned Standing Counsel for appellant, apart from the grounds of appeal, contends that the rate of interest @ 12% per annum awarded by the Court below is exorbitant. But I am not inclined to interfere with the interest awarded by the Court below, as the usual practice of the Courts, while awarding interest is to award interest at the prevailing bank rates. There is absolutely no evidence as to what is the prevailing bank rate of interest at the time of award.

4. So far as the contention with regard to inappropriateness of the multiplier, there cannot be any reason to dismiss the said contention, as the deceased is stated to be 29 years for which the multiplier relevant is '17' as per the ruling of the Apex Court in

Sarla Verma vs Delhi Transport Corporation¹. Hence the amount of income arrived by the Court below after deducting 1/3rd is Rs.32,000/- per annum and if the same is multiplied with '17', it would come to Rs.5,44,000/-. Hence the same is substituted in the place of Rs.5,76,000/- awarded by the lower Court towards 'loss of dependency' and the appeal is modified to that extent. The rest of the award is left uninterfered with.

5. The Civil Miscellaneous Appeal is allowed in part. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

Date:20.10.2017
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SMT. T. RAJANI,

¹ 2009 ACJ 1298