

SMT JUSTICE T. RAJANI

MACMA No.521 of 2008

JUDGMENT:

This appeal is preferred by the claimant questioning the judgment of the Motor Accident Claims Tribunal-cum-District Judge, Ranga Reddy District at Vikarabad in OP.No.73 of 2003 dated 24.09.2007, on the grounds that the compensation awarded by the lower Court is very meager as it granted only Rs.1 lakh and that the lower Court ought to have seen that the deceased was a graduate and working as an Assistant Site Manager in Oorigjtha Project Private Limited and was earning Rs.10,000/- per month.

2. Heard both the counsel.

3. A perusal of the judgment of the lower Court would show that the income of the deceased was taken notionally as Rs.15,000/- per annum by not believing the evidence of the claimant that the deceased was working as an Assistant Site Manager in Oorigjtha Project Private Limited and earning Rs.7,000/- per month. The lower Court considered the contradictions between the evidence and the claim petition, with regard to the salary of the deceased and did not believe the evidence of the claimant. However, even if the evidence of the claimant is not believed, it is not necessary that the deceased has to be considered as a non-earning person, for adopting notional income. His age was 28 years and he had

healthy body and, in the above circumstances, his income, in the least, has to be taken as Rs.3,000/- per month, which comes to Rs.36,000/- per annum. The multiplier adopted by the lower Court is also the one relevant to the age of the claimant, but as the law stands today, it has to be the one relevant to the age of the deceased. Then, the multiplier relevant would be '17'. However, the deceased being an unmarried person, half of his income is deducted towards his personal expenditure. Then the loss of future income to the claimant would be Rs.18,000/- per annum and when the same is multiplied with '17', the compensation comes to Rs.3,06,000/-. Apart from the above, the claimant would also be entitled to funeral expenses of Rs.25,000/-. The lower Court, however, awarded a sum of Rs.20,000/- towards the other heads, which can be treated as awarded towards loss of love and affection for the claimant. Then the total compensation would come to Rs.3,51,000/-.

4. Accordingly, the appeal is partly allowed. This award shall relate back to the date of the decree and the enhanced amount shall carry interest at the rate specified and from the time indicated in the award of the lower Court. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

SMT T. RAJANI, J

Date: 15.09.2017
TJMR