

SMT JUSTICE T. RAJANI

MACMA.No.985 of 2008

JUDGMENT:

This appeal is preferred by the appellant-insurance company, who is the fourth respondent before the Court below, assailing the judgment of the III Additional Chief Judge, City Civil Court, Hyderabad in OP.No.1475 of 2005 dated 02.01.2008 with regard to the quantum of compensation awarded by the Court below.

2. Heard counsel for the appellant, counsel for the fourth respondent and none appears for the other respondents.

3. The only contention raised by the counsel for the appellant is that the Court below took the income of the deceased as Rs.5,000/-, though there is no evidence.

4. The deceased is stated to be a Hotel Management student. The Court below, in fact, computed the compensation amount by adopting the multiplier, which is suitable to the age of the mother of the deceased, which, at present, cannot be sustained, as the law is well settled by now that the age of the deceased becomes relevant for adopting the suitable multiplier. In B. RAMULAMA V. VENKATESH BUS UNION¹, this Court held as under:

“In view of the present salaries, being earned by the Computer Engineers, there cannot be any doubt to say that the deceased would have minimum Rs.12,000/- to Rs.15,000/- per month. It has to be seen that now-a-days IVth class employees are also getting minimum Rs.7,000/- to Rs.10,000/- per month depending upon their service. The Junior Assistants are also

¹ 2009 (6) ALD 684 (DB)

getting Rs.12,000/- to Rs.15,000/- per month. Therefore, considering the normal scales being earned by the Government employees and also the minimum wage scales fixed to the technical persons, we are of the view that the minimum salary of a technical person, who is holding a bachelor degree in computers or electronics or mechanical, can be taken as Rs.12,000/- per month. Therefore, the income of the graduates in engineering i.e., B.Tech., cannot be fixed less than Rs.12,000/- per month, otherwise it amounts to neglecting the ground of reality. Similarly those who have completed M.Tech., MCA, MBA, the income of such persons can be fixed a little higher i.e., at Rs.15,000/- per month. This will take care of additional income which they would have earned in course of their service.”

In the light of the above, no interference is required with the judgment of the Court below.

The civil miscellaneous appeal is dismissed. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

September 14, 2017
DSK

T. RAJANI, J

