

SMT JUSTICE T. RAJANI

MACMA.No.179 of 2006

JUDGMENT:

This appeal is preferred by the appellant-insurance company, who is the third respondent before the Court below, assailing the judgment of the Principal District Judge, Khammam in OP.No.1021 of 2001 dated 02.07.2005 on the ground that the Court below erred in adopting the appropriate multiplier; the Court below erred in multiplying the calculated amount of Rs.3,000/- with 34 years for arriving at compensation for loss of income due to disability by assuming the life span of the claimant to be 60 years.

2. Heard both the counsel.

3. A perusal of the judgment of the Court below shows that after accepting the disability as 20%, it arrived at Rs.3,000/- as the loss of income per year, on account of disability, by taking the annual income of the claimant as Rs.15,000/- and multiplied Rs.3,000/- x 34 years, which on the face of it is erroneous.

4. The age of the claimant is stated to be 26 years and the multiplier relevant as per the decision of the Supreme Court in SARLA VERMA v. DELHI TRANSPORT CORPORATION¹ is 17. Hence, the award of the Court below to that extent needs interference and Rs.1,02,000/- awarded towards of loss of income due to be disability has to be substituted with Rs.51,000/- (Rs.3,000/- x 17 = Rs.51,000/-).

¹ (2009) 6 SCC 121

5. To the extent indicated above, the award of the Court below stands modified and the rest of the award is left uninterfered with. This award shall relate back to the date of decree and the modified amount shall carry interest at the rate specified and from the time indicated in the award by the Court below.

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.

July 27, 2017
DSK

T. RAJANI, J

