SMT. JUSTICE T. RAJANI

M.A.C.M.A. No. 756 OF 2008

JUDGMENT:

This appeal is preferred by the appellant, who is the insurer, respondent No.3, in the lower Court, assailing the order of the III Additional Metropolitan Sessions Judge, Hyderabad, in O.P.No.176 of 2006, dated 27.10.2007, on several grounds, but, at the hearing, the counsel appearing for the appellant submitted that the only ground on which they are assailing the judgment of the lower Court is that the lower Court failed to take into consideration the judgment of the Apex Court in **Sarla Verma v. Delhi Transport Corporation**[1], wherein it was prescribed that 50% has to be deducted towards the personal expenses in case of death of a bachelor.

Counsel for respondent Nos.3 and 4 claimants, furnished a ruling of the Apex Court in **Munna Lal Jain and another v. Vipin Kumar Sharma and others**[2] in support of his contention that the ratio laid down in **Sarla Verma (1 supra)** can be departed from in certain circumstances, where the number of dependent members in the family are more. It was observed that the percentage of deduction on account of personal and living expenses may vary with reference to the number of dependent members in the family and the personal living expenses of the deceased need not exactly correspond

[1] (2009) 6 SCC 121
[2] (2015) 6 SCC 347

to the number of dependants. But, the counsel for the respondents-claimants did not make out any case for departing from the ratio laid down in **Sarla Verma (1 supra)**.

Hence, following the ruling of the Apex Court in **Sarla Verma (1 supra)**, 50% of the income of the deceased has to be deducted towards his personal expenditure, as he is a bachelor. Rs.14,000/- is the income of the deceased per month. After deduction of 50%, it would come to Rs.7,000/- per month. Hence, Rs.7,000/- x 12 = Rs.84,000/- is the income per annum. There is no dispute with regard to the multiplier adopted by the lower Court, which is 11. Hence, the loss of future income would be Rs.9,24,000/- (i.e., Rs.84,000/- x 11).

In the result, the appeal is partly allowed to the extent indicated above.

Miscellaneous petitions, if any, shall stand closed. No costs.

T. RAJANI, J

Date: 03.03.2017
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