

SMT JUSTICE T. RAJANI

MACMA.No.1120 of 2008

JUDGMENT:

This appeal is preferred by the appellants, who are the claimants before the Court below, assailing the order of the VII Additional District Judge, Mahabubnagar in OP.No.82 of 2007 dated 24.01.2008 on the grounds that the compensation awarded by the Court below is not adequate.

2. Heard the counsel for the appellants. Counsel for the second respondent does not appear.

3. The counsel for the appellants contends that the Court below took the notional income of the deceased as Rs.18,000/- per annum in spite of there being evidence that he was working as watchman and aged 55 years.

4. From the fact that the deceased was aged 55 years and that he was working as watchman, there need no be any reason for the Court below to adopt notional income for the deceased. Hence, Rs.3,000/- can conveniently be taken as the income of the deceased, who is able-bodied and who is not proved to be disabled to earn Rs.3,000/- per month. After deducting $1/3^{\text{rd}}$ towards his personal expenditure, Rs.2,000/- would be loss of monthly income and Rs.24,000/- would be loss of annual income to the claimants. The multiplier '11' adopted by the Court below is appropriate to the age of the deceased as per the decision of the Supreme Court in SARLA VERMA v. DELHI

TRANSPORT CORPORATION¹. Hence, the loss of dependency would come to Rs.24,000/- x 11 = Rs.2,64,000/-. As per the decision of the Supreme Court in RAJESH v. RAJBIR SINGH² Rs.1,00,000/- is awarded to the first claimant under the head of loss of consortium; Rs.25,000/- is awarded towards funeral expenses and Rs.1,00,000/- is awarded to the fourth claimant towards loss of love and affection.

5. Hence, in all, the claimants are entitled to total compensation of Rs.2,64,000/- + Rs.1,00,000/- + Rs.25,000/- + Rs.1,00,000/- = Rs.4,89,000/- with proportionate costs. This award shall relate back to the date of decree and the enhanced compensation awarded 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 with proportionate costs. As a sequel, the miscellaneous applications, if any, shall stand closed.

October 27, 2017
DSK

T. RAJANI, J

¹ (2009) 6 SCC 121

² (2013) 9 SCC 54