

THE HON'BLE SMT. JUSTICE T.RAJANI

MACMA.No. 396 of 2006

JUDGMENT:

This appeal is preferred by the appellants, who are the claimants before the lower Court, assailing the Award of the Additional Metropolitan Sessions Judge-cum-XXIII Additional Chief Judge, Nampally at Hyderabad in O.:P.No.776 of 2002, dated 14.11.2005 on the ground that the quantum of compensation awarded by the Tribunal is on lower side and the Multiplier-16 adopted by the Tribunal is also erroneous and it should be '17'.

2. Heard the learned counsel appearing for both the parties and considered the material on record.

3. At the hearing the learned counsel for the appellant concedes that the multiplier relevant to the age of the deceased, who was aged about 32 years, is '16' as per the law, which holds the field as on date. With regard to the inadequacy of the compensation, the learned counsel for the appellant contends that the deduction made from the income of the deceased at the rate of $1/3$ is erroneous and it should be $1/4^{\text{th}}$, as the number of dependants is four. As per *Sarla Verma's case*¹, the principle of deduction is as such. Hence, the judgment of the lower court needs to be corrected to that extent.

¹ AIR 2009 sc 3104 = (2009) 6 SCC 121

4. The Tribunal took the salary of the deceased as Rs.3,000/- per month, which is not in dispute in this appeal. Therefore, after deducting $1/4^{\text{th}}$, it comes to Rs.2,250/- per month. Thus, the annual income of the deceased would be Rs.2250 x 12 months i.e., Rs.27,000/-, and the same is to be multiplied by Multiplier-16, as has been adopted by the Tribunal, which comes to Rs.4,32,000/-. Hence, the Award passed by the Tribunal towards loss of future income to the claimants for Rs.3,84,000/- stands substituted by Rs.4,32,000/-. Rest of the Award with regard to loss of consortium, estate, love and affection etc., including the apportionment, passed by the Tribunal shall stand good and is not interfered with in this appeal.

5. In the result, the appeal is partly allowed to the extent indicated above. The enhanced amount shall carry interest at the rate and from the date specified by the lower Court. As a sequel, the miscellaneous applications pending, if any, shall stand closed. Proportionate costs are ordered.

T. RAJANI, J

July 07, 2017
Kv

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