

SMT JUSTICE T. RAJANI

MACMA.No.2456 of 2006

JUDGMENT:

This appeal is preferred by the appellants, who are the claimants before the Court below, assailing the judgment of the Additional District Judge, Hindupur in OP.No.28 of 2005 dated 18.08.2006 on the grounds that the Court below did not award adequate compensation and it did not consider the transportation and future expenses.

2. Heard the counsel for the appellants. None appears for the respondents.

3. A perusal of the judgment of the Court below shows that by considering that the deceased was a student and that she was not an earning member, it took the notional income of Rs.15,000/- per annum. With regard to the treatment taken by the deceased, considering that there was no evidence, the Court below did not award any compensation under that head.

4. The counsel for the appellants now relies on a decision of the Supreme Court in KISHAN GOPAL v. LALA¹ wherein the Supreme Court dealt with a case of death of a 10 year old boy, who assisted his father in agriculture operations.

5. The deceased, in this case, is stated to be a student and also doing tailoring work. It cannot be favourably accepted that the deceased was both prosecuting her studies and also doing tailoring work. But, however, the Supreme Court in the above decision considered that rupee's value has come down drastically and took the

¹ 2013 (8) SCJ 742

notional income of Rs.30,000/- per annum, which can also be taken as the notional income of the deceased in this case. Hence, 50% of the income of the deceased should be deducted towards personal expenses, as she is an unmarried girl, as laid down by the Supreme Court in SARLA VERMA v. DELHI TRANSPORT CORPORATION². Hence, Rs.15,000/- would be the loss of annual income to the claimants. The age of the deceased is stated to be 15 years, hence, the appropriate multiplier, as per SARLA VERMA's case (2 supra), is '15'. Hence, the loss of future income to the claimants would come to Rs.15,000/- x 15 = Rs.2,25,000/-. Following the latest decision of the Supreme Court in NATIONAL INSURANCE CO. LTD. v. PRANAY SETHI [SLP(Civil).No.25590 of 2014 dated 31.10.2017], Rs.15,000/- is awarded towards loss of estate and Rs.15,000/- is awarded towards funeral expenses. Hence, in all, the claimants are entitled to total compensation of Rs.2,25,000/- + Rs.15,000/- + Rs.15,000/- = Rs.2,55,000/- with proportionate costs.

6. Hence, the award of the Court below is modified as indicated above. The award shall relate back to the date of decree and the compensation awarded shall carry the interest at the rate and from the date specified by the Court below.

The civil miscellaneous appeal is allowed in part. As a sequel, the miscellaneous applications, if any pending, shall stand closed.

T. RAJANI, J

November 17, 2017/DSK

²(2009) 6 SCC 121