SMT. JUSTICE T. RAJANI

M.A.C.M.A. No. 776 OF 2010

JUDGMENT:

This appeal is preferred by the appellants, who are the claimants in the lower Court, assailing the award of the Principal District Judge, Medak at Sangareddy in O.P.No.787 of 2006, dated 31-07-2009, on the grounds that the lower Court took monthly income of the deceased as only Rs.3,000/- as against the evidence of PW.3 that he was drawing Rs.5,000/- per month and multiplier applied is also less and the lower Court did not grant funeral expenses.

At the hearing, learned counsel for the appellants submits that the evidence was adduced on the aspect of income of the deceased, but the lower Court did not consider the said evidence and took only Rs.3,000/- as monthly income of the deceased.

A perusal of the record shows that PW.3 was examined to speak about income of the deceased. But no documentary evidence was adduced in support of his evidence that he was paying Rs.5,000/- per month to the deceased for his assistance as documentary writer. Though the evidence of PW.3 would help the Court to believe the avocation of the deceased, it does not help the Court to accept the income as stated by him as PW.3 is expected to maintain some record and accounts for the payments made by him. Hence, in the absence of any such evidence, it is to be considered as only an evidence let in to support the claim of the appellants. In the said circumstances, this Court is not inclined to interfere with the finding of the lower Court with regard to the income of the deceased. But the plea of the appellants counsel with regard to application of the multiplier can be accepted in the light of ruling of the Apex Court in **SARALA VERMA Vs. DELHI TRANSPORT CORPORATION**[1]. The lower Court has taken monthly income of the deceased as Rs.3,000/- and deducted 50% towards personal expenses. Thereby making loss of monthly income as Rs.1500/-. Loss of annual income then comes to Rs.18,000/-Learned counsel for the appellants also contends that the lower Court did not award any amount towards loss of love and affection to the appellants and he also submits that the age of deceased has to be taken for adopting suitable multiplier. The multiplier relevant to the age of the deceased is '18'. Hence Rs.18,000/- x 18 = 3,24,000/- would be the amount that has to be awarded towards loss of future income to the appellants.

In support of his contentions, he relied on the judgments of **Munna Lal Jain v. Vipin Kumar Sharma**[2] and **Asha Verman v. Maharaj Singh**[3]**,** wherein, Rs.50,000/- was awarded to each of the appellant-parents towards loss of love and affection. As against the said argument, the learned counsel for the respondent relies upon the judgment of **Ramilaben Chinubhai Parmar v. National Insurance Company**[4]**,** which is rendered by three Judges and which becomes the binding precedent. In the said ruling, the Apex Court held that a conventional figure of Rs.50,000/-is to be awarded which includes funeral expenses, loss of estate, loss of consortium etc. By following the said judgment, Rs.50,000/- is awarded to the appellants as conventional amount. The lower Court also awarded Rs.5,000/-towards loss of estate and the same

---

[1] (2009) 6 SCC 121
[2] (2015) 6 Supreme Court Cases 347
[3] 2015(6) ALD 24 (SC)
[4] (2014) 15 Supreme Court Cases 722

has to be deducted from the conventional amount of Rs.50,000/-. Hence, in all the award stands to be Rs.3,69,000/-.

In the result, the appeal is partly allowed by enhancing the award amount to Rs.3,69,000/- (Rupees Three lakhs sixty nine thousand only) with proportionate costs.

The award shall relate back to the date of the decree and the enhanced amount shall carry interest at the rate specified and from the time indicated in the award of the lower Court.

As a sequel, miscellaneous petitions if any, pending in this appeal shall stand closed.

T. RAJANI, J

13-04-2017
nvl