

SMT JUSTICE T. RAJANI

MACMA.No.4263 of 2008

JUDGMENT:

This appeal is preferred by the appellants who are the claimants before the Court below, assailing the judgment of III Additional Chief Judge, City Civil Court, Hyderabad in O.P.No.206 of 2005, dated 30.08.2006 on the ground of inadequacy of compensation.

2. Heard both the counsel.

3. The deceased in this case is a boy aged seven years. The Court below awarded Rs.1,50,000/-.

4. Counsel for the appellant relies on the judgment of High Court of Delhi in Fao.137/2000 dated 10.05.2012 between **Suresh Chand & Anr. Vs. Ram Pal Yadav & others** wherein Rs.15,000/- was taken as a notional income of the deceased and it was multiplied with 15 which is the relevant multiplier for the age of the deceased therein and Rs.2,25,000/- was arrived at.

5. Counsel for the respondents pointed out that Delhi High Court failed to make deduction towards the personal expenditure of the deceased as was made by the Supreme

Court in the case relied upon by the Delhi High Court in **R.K. Malik vs. Kiran Pal**¹.

6. The principle of deduction towards personal expenditure is a principle which is based on a valid reasoning. Hence, the notional income of Rs.15,000/- is to be taken in this case, since the age of the deceased in this case is also seven years. The same has to be reduced by 1/3rd, which comes to Rs.10,000/- per annum and after multiplying the same with 15, which is a multiplier appropriate for the age of the deceased, it comes to Rs.1,50,000/-.

7. Counsel for the respondent concedes for awarding Rs.75,000/- towards future prospects of the child, as was awarded by the High Court of Delhi in **Suresh Chand's** case(1 supra).

8. Hence, after awarding Rs.75,000/- total award amount comes to Rs.2,25,000/-.

9. Hence, the order of the Court below is modified to the extent indicated above and the rest of the order is left uninterfered with. This order 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 order of the Court below.

¹ 2006 (3) ACC 261

10. In the result, the Appeal is allowed in part, with proportionate costs.

11. Pending miscellaneous petitions, if any, shall stand closed.

SMT. T. RAJANI, J

08.09.2017

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