

SMT JUSTICE T. RAJANI

MACMA No.1004 of 2006

JUDGMENT:

This appeal is preferred by the appellants, who are the claimants before the court below, assailing the judgment, dated 13.02.2006, of the IX Additional District & Sessions Judge, Krishna, Machilipatnam, passed in MVOP.No.32 of 2002, on the ground that the compensation granted by the court below is inadequate.

2. Heard both the counsel for the appellants as well the counsel for the respondents.

3. A perusal of the judgment of the court below shows that the monthly income of the deceased was taken as Rs.1,500/-. The case of the claimants is that the deceased was doing agriculture and was earning Rs.3,000/- per month. The deceased is found to be aged 40 years as per the P.M.Certificate. Hence, there need not be any hesitation for this court to hold that the deceased was earning Rs.3,000/- per month. The deceased was stated to be an unmarried person. Hence, half of the income has to be deducted towards his personal expenditure as per the ruling in *Sarala Verma v. Delhi Transport Corporation*<sup>1</sup>, which comes to Rs.1,500/- per month and Rs.18,000/- per anum. As per *Sarala Verma's* case (supra), the multiplier relevant for the age of the deceased has

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<sup>1</sup> (2009) 6 SCC 121

to be taken as '14'. Hence, Rs.2,52,000/- {i.e., Rs.18,000/- X 14} is awarded towards loss of future income to the claimants.

4. Apart from the above, Rs.15,000/- towards funeral expenses and Rs.15,000/- towards loss of estate to the claimants as per the ruling of the three judges' Judgment reported in *National Insurance Company Ltd., vs. Pranay Sethi* in Special Leave Petition (Civil) No.25590 of 2014. In all, the claimants are entitled to enhanced compensation of Rs.2,82,000/- {i.e., Rs.2,52,000/- (loss of future income + Rs.15,000/- (funeral expenses) + Rs.15,000/- (loss of estate))}. Since the claim amount, as claimed by the claimants, is only Rs.2,00,000/-, the enhanced compensation is restricted to Rs.2,00,000/-. 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 appeal is, accordingly, allowed with proportionate costs. As a sequel, the miscellaneous applications, if any pending, shall stand closed.

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T. RAJANI, J

November 17, 2017  
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