

SMT. JUSTICE T.RAJANI

MACMA. No.826 of 2008

JUDGMENT:

This appeal is preferred by the appellants, who are the claimants before the Court below, assailing the order dated 29.11.2007 passed in O.P. No.289 of 2006 by the IV Additional District and Sessions Judge, Mahabubnagar on the grounds of inadequacy of compensation and the inappropriateness of the multiplier.

Heard the learned counsel, N.Sameena, for the appellants. Learned counsel for the respondents does not appear.

The learned counsel for the appellant contends that the deceased was doing cooli work and therefore, the Court below ought to have taken his income at least Rs.3,000/- instead of Rs.1,500/-, which is very low. She further submitted that the Court below committed an error while considering the age of the deceased. His age as 45 years, is evident from the criminal records, but the court below adopted wrong multiplier 13, instead of 15.

As could be seen from the order under challenge, the Court below took the income of the deceased as Rs.1,500/- per month. In this regard, this Court is of the view that any person, who is able bodied, would be able to earn, in the least Rs.3,000/- per month. As the deceased was aged 45 years and seems to be able bodied, Rs.3,000/- per month can be conveniently taken as the income of the deceased. After deducting 1/3rd towards personal expenses, loss of monthly income would be Rs.2,000/- and loss of annual income would be Rs.24,000/-.

So far as the application of the multiplier is concerned, this Court is of the view that the Court below had rightly taken the multiplier as 13 as it is the multiplier laid down in **SARLA VERMA Vs. DELHI TRANSPORT CORPORATION**¹, for a person aged 45 years. Hence, in this regard, no interference of this Court is required.

In view of the above, Rs.24,000 x 13 = Rs.3,12,000/- would be the compensation towards loss of future income. Hence, the same is substituted for Rs.1,73,000/-. Rest of the award of the Court below is left uninterfered.

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 Court below.

In the result, the appeal is allowed in part with proportionate costs. Consequently, miscellaneous petitions, if any, stands closed.

Date: 11.08.2017
LSK

JUSTICE T.RAJANI

¹ 2009(4) SCJ 91