SMT. JUSTICE T. RAJANI

MACMA No.859 of 2008

JUDGMENT:

This appeal is preferred by the appellants, who are the claimants before the Court below, assailing the Award of IX Additional Chief Judge, Fast Track Court, City Civil Court, Hyderabad, in O.P.No.1854 of 2006 dated 15.10.2007 on the grounds that the compensation awarded by the Court below is not adequate; the Court below ought to have taken the entire wages reflected in Ex.A.6 and no compensation was granted towards loss of love and affection.

Heard both the learned counsel.

A perusal of the Award of the Court below shows that the income of the deceased is taken as Rs.2,000/- by disbelieving the evidence of P.W.2, who stated that the deceased worked as Welder in his shop and was paid Rs.4,000/- per month. Considering that there is no mention about the sales tax registration number in Ex.A.6, the Court below disbelieved the evidence of P.W.2 which cannot be found fault with. When P.W.2 is stated to be the employer of the deceased, he is expected to maintain some registers and records for the payments made by him, apart from issuing salary certificate. However, the deceased being a Welder and aged 20 years would earn Rs.3,000/- per month in the least. Learned counsel for the appellants relied on the ruling of the Apex Court in **Munnalal Jain and another v. Vipin Kumar Sharma and others**[1] wherein, by relying upon the rulings in **Santosh Devi v. National Insurance Company Limited**[2] and **Sarla Verma v. Delhi Transport Corporation and another**[3], the Apex Court held that there must be an addition of 50% to the actual income of the deceased, while computing future prospects if he was below 40 years of age. Hence, going by the said ratio, Rs.4,500/- has to be taken as the standardized income of the deceased. Half of the said income has to be deducted towards personal expenses of the deceased as per the ruling in **Sarla Verma** (3 supra) since he is unmarried. Then, monthly loss of income would be Rs.2,250/- and loss of annual income would be Rs.27,000/-. The multiplier relevant for the age of the deceased is '18' as per the settled law. Hence, Rs.4,86,000/- (Rs.7,000/- X 18) is awarded towards loss of future income to the claimants. Apart from the above, Rs.50,000/- is awarded towards the conventional amount, thereby, making the award at Rs.5,36,000/-. The same is restricted to Rs.5,00,000/- as per the claim of the claimants.

---

[1] (2015) 6 Supreme Court Cases 347
[2] (2012) 6 SCC 421
[3] (2009) 6 SCC 121

Hence, the Award of the Court below is modified to the extent indicated above and the rest of the Award 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 Award of the Court below.

In the result, the appeal is allowed with proportionate costs.

Pending miscellaneous petitions, if any, shall stand closed.

SMT. T. RAJANI, J

25th OCTOBER, 2017.

kvni