SMT. JUSTICE T.RAJANI

<u>MACMA. No.825 of 2008</u>

<u>JUDGMENT</u>:

This appeal is preferred by the appellants, who are the claimants before the Court below, assailing the order dated 28.11.2007 passed in O.P. No.194 of 2006 by the IV Additional District and Sessions Judge, Mahabubnagar, on the grounds of inadequacy of the compensation and the adoption of inappropriate multiplier, the appropriate multiplier being 13, 5 was adopted considering the age of the mother, which cannot be sustained.

Heard the learned counsel for the appellants. Learned counsel for the respondents did not appear.

A perusal of the order of the Court below would show that the deceased was stated to be an agriculturist and unmarried. The claimants are the mother and sister of the deceased. According to the evidence of P.W.1, mother of the deceased, they owned two acres of dry land, which is in her name. But the deceased is stated to be looking after the agriculture of the said land. The Court below took the income of the deceased as Rs.1,500/- per month. The learned counsel for the appellants would contend that it is very low. After taking into consideration that the trend of the courts is to take Rs.3000/- for people whose income is not proved and who are proved to be able bodied, the submission that the income of the deceased taken is very low, can be accepted.

Further, since the agricultural land remains available to the claimants, the loss of the claimants would only be the supervisory services that the deceased has been rendering in cultivating the said land. The supervisory services of the deceased can be valued at Rs.3,000/- per month. The services can be considered as being rendered for the benefit of the deceased also. Hence after deducting 1/3rd towards value of services rendered for himself, Rs.2,000/- would be the value of loss of monthly services and Rs.24,000/- would be the loss per annum.

The learned counsel for the appellants also questions the multiplier of 5 that was adopted by the Court below taking into consideration the age of the mother. But the multiplier relevant to the age of the deceased has to be taken. In this regard, the ruling in **SARLA VERMA Vs. DELHI TRANSPORT CORPORATION**[1] can be relied upon. It was held therein that the multiplier relevant for the age of the deceased has to be taken. In the instant case, the deceased was stated to be 25 years for which, appropriate multiplier would be 17. Hence, 24000 x 17 = 4,08,000/-. In the case on hand, the claim of the claimant is Rs.3,00,000/- and therefore, the same restricted to Rs.3,00,000/-.

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 with proportionate costs. Consequently, miscellaneous petitions, if any, stands closed.

JUSTICE T.RAJANI

Date: 11.08.2017
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1 2009(4) SCJ 91