

SMT JUSTICE T. RAJANI

MA CMA No.207 of 2008

ORDER:

This appeal is preferred by the appellants, who are the claimants before the Court below, assailing the judgment of the II Additional District Judge, West Godavari at Eluru in MVOP No.428 of 2004, dated 16.10.2006, on the grounds that the court below did not award adequate compensation and erred in awarding the amount claimed by the claimants and that it failed to consider that the deceased was working as a Muta Mestri and getting Rs.3,000/- per month. The court below erred in taking the income of the deceased as Rs.1,500/- per month.

2. At the hearing, the learned counsel for the appellants/claimants, relying on the judgment of the apex court reported in *Sarala Verma v. Delhi Transport Corporation*¹, contends that the multiplier relevant for the age of the deceased, who was aged 22 years, is 18, but the court below erred in taking the multiplier as 15 for the age of the deceased.

3. The income of the deceased was taken as Rs.1,500/- per month by the court below. But this court is of the view that any able bodied person would be able to earn Rs.3,000/- per month and the trend of the courts is also the same. Hence, Rs.3,000/- is taken as the income of the deceased. Following

¹ (2009) 6 SCC 121

the ruling of the apex court in *Sarala Verma's* case, 50% is deducted towards personal expenses i.e., Rs.1,500/- per month since the deceased is a bachelor. Loss of annual income would be Rs.18,000/-. Loss of future income comes to Rs.3,24,000/-. Hence, the award of the lower court to that extent is modified.

4. The rest of the award is left uninterfered with. 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.

To the extent indicated above, the appeal is partly allowed. As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

October 11, 2017
LMV



T. RAJANI, J