

SMT JUSTICE T. RAJANI

MACMA No.862 of 2008

JUDGMENTN:

This appeal is preferred by the appellants, who are the claimants before the court below, assailing the judgment of the I Additional Motor Accidents Claims Tribunal, Nizamabad, in O.P.No.2052 of 2001, dated 17.05.2007, on the grounds that the court below did not award adequate compensation.

2. Heard the counsel for the appellant. The counsel for the respondent does not appear.

3. The counsel for the appellant relies on the ruling of the Apex Court reported in SPL. Leave Petition (Civil) No.25590 of 2014 between *National Insurance Company Limited vs. Pranay Sethi and others*, wherein the Constitutional Bench of the Apex Court on a reference made to it, held that in case of the deceased, who is the self-employed, an addition of 40% of the established income should be the warrant.

4. Going by the above principle, the income of the appellant, as taken by the lower court as Rs.3,000/- in the absence of any evidence, which can be sustained, gets increased by Rs.1,200/-, which comes to Rs.4,200/-, which is the standardised income of the deceased. There is no interference by the Apex Court with the principle that 50% should be the deduction for a bachelor towards his personal expenditure. Hence, Rs.2,100/- [Rs.4,200/-/2] would be loss of monthly income and Rs.25,200/-

would be loss of annual income to the claimants. The principle that multiplier relevant to the age of the deceased has to be adopted, is also not interfered with. The multiplier relevant in this case is '18'. Hence, the loss of future income of the deceased works out to Rs.25,200/- X 18 = Rs.4,53,600/-. The said amount is awarded towards loss of future income to the claimants apart from awarding Rs.15,000/- towards loss of estate and Rs.15,000/- towards funeral expenses following the above ruling. In all, the claimants are entitled to enhanced compensation i.e., Rs.4,83,600/- { Rs.4,53,600/- (loss of future income) + Rs.15,000/- (funeral expenses) + Rs.15,000/- (loss of estate)} .

5. The appeal is, accordingly, partly allowed by setting aside the judgment of the court below and the compensation is enhanced to Rs.4,83,600/- with proportionate costs. 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.

As a sequel, the miscellaneous applications, if any pending, shall stand closed.

November 9, 2017
LMV

T. RAJANI, J