

SMT JUSTICE T. RAJANI

MACMA.No.1271 of 2008

JUDGMENT:

This appeal is preferred by the appellants, who are the claimants before the Court below, assailing the judgment of the I Additional District Judge, Kadapa, in M.V.O.P.No.582 of 2006 dated 23.01.2008 on the ground that the compensation awarded by the Court below is inadequate.

2. Heard both the counsel.

3. Learned counsel for the appellants contends that the income of the deceased, which was taken as Rs.3,000/- per month, is very low and there is ample evidence to show that the deceased was working as a driver. There is no quarrel with regard to the said argument. The Court below believed that the deceased was a driver but considering that there was no evidence with regard to his income, it took Rs.3,000/- per month as his income. The Court below also considered that though P.W.2 deposed that the deceased worked under him and was paid Rs.6,000/- per month as salary, he did not bring any supporting registers or documents in evidence of payment of such salary. In the absence of any evidence regarding the salary of the deceased, the approach of the Court below in taking Rs.3,000/- per month as monthly salary of the deceased cannot be found fault with.

4. But however, learned counsel for the appellants, by relying on the judgment in ***Rajesh and others v. Rajbir***

Singh and others¹ contends that Rs.1,00,000/- should be awarded to the second appellant, who is the wife of the deceased, towards loss of consortium and Rs.1,00,000/- should be awarded to the third appellant, who is the son of the deceased, towards loss of love and affection and Rs.25,000/- should be awarded towards funeral expenses.

5. By following the judgment in **Rajesh and others v. Rajbir Singh and others**, a total sum of Rs.2,25,000/- is awarded to the appellants towards loss of consortium, loss of love and affection and funeral expenses. Out of the said enhanced amount of Rs.2,25,000/-, Rs.12,000/- has to be deducted as the Court below has already awarded Rs.10,000/- towards loss of consortium and Rs.2,000/- towards funeral expenses.

6. 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 decree and the enhanced amount shall carry interest at the rate specified and from the time indicated in the Award by the Court below.

8. In the result, the appeal is partly allowed with proportionate costs. Pending miscellaneous applications, if any, shall stand closed.

T. RAJANI, J

Date: 23.10.2017
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¹ 2013ACJ1403 = 2013(4)ALT35