

SMT JUSTICE T. RAJANI

MACMA No.808 of 2008

JUDGMENT:

This appeal is preferred by the appellants, who are the claimants before the Court below, assailing the judgment of the II Additional District Judge, Kadapa in OP.No.201 of 2004 dated 29.11.2007 on the ground that the Court below awarded meagre compensation in routine manner, rather than adopting the multiplier relevant to the age of the mother of the deceased.

2. Heard both sides.

3. A perusal of the judgment of the Court below shows that the Court below awarded lumpsum compensation of Rs.65,000/- without any discussion and no scientific calculation was made with regard to the compensation. The law is now well settled that as regards the compensation to be awarded in respect of the death of a minor child, the notional income has to be taken into consideration and then the multiplier relevant for the age group of the deceased has to be taken. If the notional income of Rs.1,500/- per month is taken and 1/3 is deducted, it comes to Rs.1,000/- per month and the annual income would be Rs.12,000/-. The multiplier relevant for the age of the deceased, being 8 years, would be '15' as per the decision of the Supreme Court in SARLA VERMA v. DELHI TRANSPORT CORPORATION¹. Hence, the compensation works out to Rs.12,000/- X 15 = Rs.1,80,000/-, which is restricted to Rs.1,50,000/- with proportionate costs, as per the claim of the claimants.

¹ (2009) 6 SCC 121

Hence, the civil miscellaneous appeal is allowed by setting the judgment of the Court below and the claimants are entitled to total compensation of Rs.1,50,000/- with proportionate costs, as indicated above. 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, shall stand closed.

October 16, 2017
LMV

T. RAJANI, J

