

SMT JUSTICE T. RAJANI

MACMA.No.1072 of 2006

JUDGMENT:

This appeal is preferred by the appellant, who is the second respondent before the Court below, assailing the judgment of the District Judge, Nizamabad in OP.No.450 of 2003 dated 21.11.2005. The grounds of appeal need not be mentioned, as the counsel for the appellant does not base his argument on the grounds.

2. Heard both sides.

3. The counsel for the appellant, at the hearing, only argued on the manner in which the compensation is arrived at by the Court below. The Court below took the income of the deceased as Rs.3,000/- per month and deducted only Rs.500/- towards his personal expenditure as against 1/3rd deduction that has to be made as per the settled law, which is not disputed by the counsel for the respondents/claimants. Hence, Rs.2,000/- would be the loss of future monthly income and Rs.24,000/- would be the loss of annual income to the claimants.

4. The counsel for the appellant also points out that the multiplier '17' adopted by the Court below should be reduced, as according to the decision of the Supreme Court in SARLA VERMA v. DELHI TRANSPORT CORPORATION¹ the multiplier for the age group 35 – 40 is '16'. The age of the deceased is 35 years in this case. Hence, the loss of dependency would come to Rs.24,000/- x 16 = Rs.3,84,000/-. But the Court below by considering the loss of income

¹ (2009) 6 SCC 121

at Rs.2,500/- arrived at loss of dependency of Rs.2,500/- X 17 = Rs.5,10,000/- and restricted the same to Rs.5,00,000/-, as per the claim of the claimants. The same is substituted with Rs.3,84,000/-.

5. Counsel for the appellant also fairly submitted that funeral expenses, loss of estate and loss of consortium can be awarded as per the latest unreported decision of the Supreme Court in NATIONAL INSURANCE CO. LTD. v. PRANAY SETHI [SLP(Civil).No.25590 of 2014 dated 31.10.2017).

6. Following the aforesaid decision, Rs.15,000/- each is awarded under the heads funeral expenses and loss of estate and Rs.40,000/- is awarded under the head loss of consortium. In all the claimants are entitled to compensation of Rs.3,84,000/- + Rs.15,000/- + Rs.15,000/- + Rs.40,000/- = Rs.4,54,000/-.

7. In all, the compensation awarded by the Court below is modified as above, with proportionate costs. This award shall relate back to the date of decree and the compensation awarded shall carry interest at the rate specified and from the time indicated in the award by the Court below.

The civil miscellaneous appeal is allowed in part. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

November 7, 2017
DSK

T. RAJANI, J