

SMT JUSTICE T. RAJANI

M.A.C.M.A. No.748 of 2008

JUDGMENT:

This appeal is preferred by the appellants—New India Assurance Company Limited, who are respondent No.2 and 3 before the Court below, assailing the judgment of the II Additional District Judge, Warangal, in M.V.O.P. No.1397 of 2006 dated 09.10.2007 on the ground that the Court below awarded exorbitant compensation.

2. Heard learned Standing Counsel for the appellants. The Learned counsel for the respondents did not appear.

3. Learned Standing Counsel for the appellants contends that the deceased, aged about 36 years, is a mason, but Court below has taken the income of the deceased as Rs.3,000/- per month, which is on higher side. By any stretch of understanding it cannot be termed as exorbitant income for a mason. Hence the said submission is found not merited.

4. Learned Standing Counsel for the appellants contends that the suitable multiplier applicable for the age of the deceased is '15' but the Court below has adopted '16'. As on the date of judgment, Second Schedule was the only basis for the Courts to adopt multipliers and as per Second Schedule, '16' is the relevant multiplier for the person aged 36 years. If the plea of the

appellants' counsel that the present law has to be applied is to be accepted, the petitioner will be entitled for higher compensation as per the ruling of the Apex Court in *Rajesh vs Rajbir Singh*¹.

Hence, in view of the above, the judgment of the Court below needs no interference and the appeal is dismissed. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

T. RAJANI, J

Date:20.10.2017
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¹ 2013 ACJ 1403