

SMT JUSTICE T. RAJANI
MACMA.No.3488 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, Ranga Reddy in OP.No.988 of 2006 dated 09.06.2008 on a very short grievance with regard to the income that was taken by the Court below.

2. Heard counsel for the appellant. None appears for the respondents.

3. The only grievance of the claimants is that the instead of taking notional income of Rs.15,000/- as per the second schedule of the Motor Vehicles Act, 1988, the Court below took only Rs.6,000/- by considering the monthly income of the deceased as Rs.500/- per month, which on the face of it is unjust.

4. The counsel for the appellants takes support of the decision of the Supreme Court in MANJU DEVI v. MUSAFIR PASWAN¹ wherein it was observed that:

“As set out in the Second schedule to the Motor Vehicles Act, 1988, for a boy of 13 years of age, a multiplier of 15 would have to be applied. As per the Second Schedule, he being a non-earning person, a sum of Rs.15,000 must be taken as the income. Thus, the compensation comes to Rs.2.25,000.”

5. Hence, going by the said calculation, the compensation amount, in this case, has also to be Rs.2,25,000/-. Hence, the award of the Court below is modified by enhancing the compensation to

¹ 2005 ACJ 99

Rs.2,25,000/- with proportionate costs. The award shall relate back to the date of decree and the enhanced compensation amount shall carry interest at the rate specified and from the time indicated in the award by the tribunal 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.

September 14, 2017
DSK

T. RAJANI, J

