THE HON'BLE SMT JUSTICE T.RAJANI

M.A.C.M.A. No.339 OF 2008

JUDGMENT:

This appeal is preferred by the appellant who is the insurer, assailing the Award dated 12.06.2006 passed in M.V.O.P.No.73 of 2004 by the Court of the Accidents Claims Tribunal-cum-I Additional Chief Judge, City Civil Court, Secunderabad, on the ground that the Tribunal took notional income of the deceased as Rs.15,000/- (Rupees fifteen thousand only), but did not deduct one-third towards his personal expenditure as specified in Second Schedule. The Second Schedule specifies deduction of one-third, where notional income is taken.

The learned counsel for the respondent did not appear to resist the said submission made by the learned counsel for the petitioner.

Going by the specification made in Second Schedule of the Motor Vehicles Act, the notional income also deserves deduction of one-third, which comes to Rs.10,000/- (Rupees ten thousand only) per month. The multiplier relevant for the age of the deceased is 15 and hence, the amount would be Rs.1,50,000/- towards compensation.

In the result, the appeal is partly allowed by modifying the award of the lower Court with regard to compensation by reducing it from Rs.2,25,000/- (Rupees two lakhs and twenty five thousand only) to Rs.1,50,000/- (Rupees one lakh and fifty thousand only). The rest of the award shall remain uninterfered.

Consequently, miscellaneous petitions pending if any, in the appeal, shall stand disposed of.

JUSTICE T.RAJANI

23.02.2017
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