SMT JUSTICE T. RAJANI

MACMA.No.1062 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, Warangal in OP.No.419 of 2001 dated 07.06.2003 on the grounds that the Court below did not award adequate compensation and the deduction towards personal expenditure was 1/3rd in stead of 1/4th and the income taken by the Court below is also low.

2. Heard counsel for the appellants. Respondent counsel is not present.

3. A perusal of the judgment of the Court below shows that income of the deceased was taken at Rs.50/- per day. The deceased is stated to be an agricultural coolie and aged 35 years. Hence, the income can be conveniently taken as Rs.3,000/- per month. The number of claimants being five in number, the deduction towards personal expenditure is taken as 1/4th as per the decision of the Supreme Court in SARLA VERMA v. DELHI TRANSPORT CORPORATION[1]. After deducting 1/4th, the loss of monthly income would come to Rs.2,250/- and annual income would come to Rs.27,000/-. The multiplier '16' adopted by the Court below, being appropriate, the loss of future income to the appellants would come to Rs.27,000/- x 16 = Rs.4,32,000/-.

[1] (2009) 6 SCC 121

4. The Court below awarded Rs.2,000/- towards funeral expenses. As per the decision of the Supreme Court in RAJESH v. RAJBIR SINGH[2] it has to be Rs.25,000/-. Hence, the same is awarded. The Court below awarded only Rs.5,000/- towards loss of consortium of the first claimant. As per the above decision, Rs.1,00,000/- is awarded towards loss of consortium. The Court below awarded Rs.5,000/- towards loss of estate, which needs no interference.

5. Hence, the claimants appellants are entitled to total compensation of Rs.4,32,000/- (loss of dependency) + Rs.25,000/- (funeral expenses) + Rs.1,00,000/- (loss of consortium) + Rs.5,000/- (loss of estate) = Rs.5,62,000/-, which is restricted to Rs.5,00,000/-, as claimed by the claimants. 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.

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.

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T. RAJANI, J

October 13, 2017
DSK

[2] (2013) 9 SCC 54