SMT JUSTICE T.RAJANI

<u>M.A.C.M.A.No.2140 of 2008</u>

<u>ORDER:</u>

This appeal is preferred by the appellants, who are claimants before the court below, assailing the judgment of the XI Additional Chief Judge (FTC), City Civil Court, Hyderabad, in O.P.No.2772 of 2006 dated 18.04.2008 on the grounds that the court below took the notional income of the deceased as Rs.20,000/- per annum and applied multiplier '13' by considering the age of the mother of the deceased.

Heard the learned counsel for the appellants.

Though in the grounds of appeal learned counsel for appellants raised the issue with regard to applying multiplier '13' at the hearing, by taking the help of ruling reported in *KISHAN GOPAL AND ANOTHER Vs. LALA AND OTHERS*[1] contends that the multiplier relevant for the age of the deceased has to be taken into consideration.

The Hon'ble Supreme Court in the above said ruling considered the earlier cases, which were decided on the same aspect, including the case of *LATA WADHWA Vs. STATE OF BIHAR*[2], wherein Rs.24,000/- per annum was taken as the national income of the deceased. The deceased in that case was aged only ten years

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1 (2014) 1 Supreme Court Cases 244
2 (2001) 8 SCC 197

but in the evidence it came forth as an undisputed fact that the said boy was assisting the parents in their agricultural operations.

In this case, the age of the deceased is 22 years. Hence, there need not be any hesitation to accept that the deceased was doing part-time job.

The Apex Court, in the above said ruling, took the notional income of the deceased as Rs.30,000/- per month and without making any deductions it made calculation by applying the multiplier suitable for the age of the deceased and awarded compensation. The multiplier adopted by the Court below is 13, which is appropriate for the age of the mother of the deceased. But the law now settled is that the multiplier relevant for the age of the deceased has to be taken, which is 18 as per the decision of the Supreme Court in SARLA VERMA v. DELHI TRANSPORT CORPORATION[3]. Hence, Rs.30,000/- x 18 = Rs.5,40,000/- is the amount that has to be awarded towards loss of dependency.

Apart from the above, Rs.50,000/- is awarded under conventional heads towards loss of love and affection, funeral expenses etc., following the decision of the Apex Court in *KISHAN GOPAL's* case (1 supra).

Hence, in all, the appellants are entitled to total compensation of Rs.5,40,000/- + Rs.50,000/- = Rs.5,90,000/- but the same is restricted to Rs.5,00,000/- as per the claim of appellants.

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[3] (2009) 6 SCC 121

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 court below.

In the result, the appeal is allowed. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

T.RAJANI, J

Dt: 15.09.2017
Prv

HON'BLE SMT JUSTICE T.RAJANI

M.A.C.M.A.No.2140 of 2008

15-09-2017

Prv