

SMT JUSTICE T.RAJANI

M.A.C.M.A. No.3880 OF 2012

JUDGMENT:

This Appeal is preferred by the appellant, who is 2nd respondent – Insurance Company in the Court below, assailing the judgment of the Principal District Judge, Kadapa (for short, ‘the Court below’) in M.V.O.P.No.819 of 2007 dated 16.01.2009, on the grounds that the Court below ought to have taken into consideration the compassionate appointment given to the 1st respondent – wife of the deceased, and ought to have noted that the claimants received the death benefits of the deceased, and ought not to have applied the multiplier ‘15’ to the age of 45 years, and ought to have applied the multiplier ‘10.45’ in view of the ruling laid down by the Apex Court in ***Bhagavan Das Vs. Mohd. Arif***¹.

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

3. Learned counsel for the appellant, at the hearing, asserts only on one ground that was raised in the grounds of Appeal *i.e.*, the compassionate appointment provided to the wife of the deceased was not being taken into consideration by the Court below. But, he does not raise any counter argument to the opinion of this Court that the law is well settled now that the compassionate appointment shall not be a ground to reduce the compensation, which the legal heirs or the dependants of the deceased are entitled to. Hence, there is no error in the impugned order of the Court below.

Accordingly, with this observation, the Motor Accidents Civil Miscellaneous Appeal is dismissed. *Interim* stay granted by this Court on

¹ 1987 (2) ALT 137

29.07.2009 in M.A.C.M.A. M.P. No.4059 of 2009 shall stand vacated. As a sequel, the miscellaneous applications, if any pending, shall stand dismissed. No order as to costs.

T.RAJANI, J

Date: 22.12.2017.
Dsh



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DSH