HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
HON'BLE SMT JUSTICE T.RAJANI

M.AC.M.A. No.1572 OF 2016

JUDGMENT: *(Per Hon'ble Sri Justice SURESH KUMAR KAIT)*

Vide the present appeal, the appellants have challenged the award dated 29.12.2015 passed in OP No.652 of 2014 by the MACT-cum-II Additional Chief Judge, City Civil court, Hyderabad on the grounds *inter alia* and submitted that the age of the deceased on the date of accident was 40 years, however, the learned tribunal has applied '14' as multiplier while awarding compensation, instead of '15'.

2. Learned counsel for the appellants/claimants submitted that the learned tribunal has deducted 1/3rd towards personal expenses of the deceased instead of 1/4th though the dependants are admittedly four in number in the present appeal.

3. Learned counsel for the appellants/claimants further argued that the lower tribunal has wrongly considered the multiplier and the personal expenses and accordingly prayed for modifying the same.

4. Learned Standing Counsel for the respondent-Insurance company does not dispute the submission made by the learned counsel for the appellants.

5. Accordingly, the salary of the deceased is assessed as Rs.18,419/- per month, then the annual income would come to Rs.18,419/- x 12 = Rs.2,21,028/-. Following the latest decision of the Supreme Court in **NATIONAL INSURANCE CO.LTD. v. PRANAY SETHI**[1] the future hike in the income at 30% is also to be considered and the standardized income would come to Rs.2,21,028/- + (Rs.2,21,028/- x 30% = Rs.66,308/-) = Rs.2,87,336/-. Out of the said amount, 1/4th has to be deducted, as per the decision of Supreme Court in **SARLA VERMA v. DELHI TRANSPORT CORPORATION**[2]. Hence, after deducting 1/4th towards personal expenditure of the deceased, the loss of future income would come to Rs.2,87,336/- – (Rs.2,87,336/- x ¼ = Rs.71,834/- = Rs.2,15,502/-. The multiplier '15' is relevant for the age of the deceased. Hence the loss of future income would come to Rs.2,15,502/- x 15 = Rs.32,32,530/-. Apart from the above, Rs.40,000/- is awarded towards loss of consortium, Rs.15,000/- is awarded under the head loss of estate and Rs.15,000/- is awarded under the head funeral expenses as per the decision in **PRANAY SETHI**'s case (supra 1).

6. Hence, the claimants are entitled to total compensation of Rs.32,32,530/- + Rs.40,000/- + Rs.15,000/- + Rs.15,000/- = Rs.**33,02,530**/-.

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[1] 2017 ACJ 2700
[2] (2009) 6 SCC 121

7. Hence, the award of the Court below is modified as indicated above, with proportionate costs. The apportionment of compensation shall be made in terms of the apportionment made by the Court below. The award shall relate back to the date of decree and the compensation awarded shall carry the interest at the rate and from the date specified by the Court below.

8. Accordingly, the Civil Miscellaneous Appeal is allowed in part.

Miscellaneous petitions, if any, pending shall stand closed.

SURESH KUMAR KAIT, J.

SMT T.RAJANI, J.

Date : 25-04-2018

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