

THE HON'BLE MS. JUSTICE J. UMA DEVI

MACMA NO. 717 OF 2008

ORDER:

Challenging the award dated 27.10.2007 passed in O.P.No. 176 of 2006 on the file of the XVII-Addl. Chief Judge-cum-III-Addl. Metropolitan Sessions Judge, Hyderabad, the present appeal is filed by the claimants in the aforementioned OP.

The learned standing counsel appearing for the respondent No.3-insurance company states that they have filed an appeal vide M.A.C.M.A.No. 756 of 2008 against the very same order passed in O.P.No. 176 of 2006 on the file of the XVII-Addl. Chief Judge-cum-III-Addl. Metropolitan Sessions Judge, Hyderabad disputing the quantum of compensation on the ground that in case of claim made in respect of death of a bachelor, 50% of the income has to be deducted towards personal expenditure in terms of the judgment of the Supreme Court reported in *Sarla Verma Vs. Delhi Transport Corporation*<sup>1</sup>. The learned Single Judge of this Court Hon'ble Smt. Justice T. Rajani disposed of the said appeal on 3.3.2017 accepting the plea of the appellant by relying upon the ratio laid down by the Supreme Court in *Sarla Verma's* case.

The aforementioned submission made by the learned standing counsel for the respondent No.3-insurance company has not been denied by the learned counsel appearing for the appellants/claimants and as a matter of fact, he fairly submits that the dispute raised regarding the

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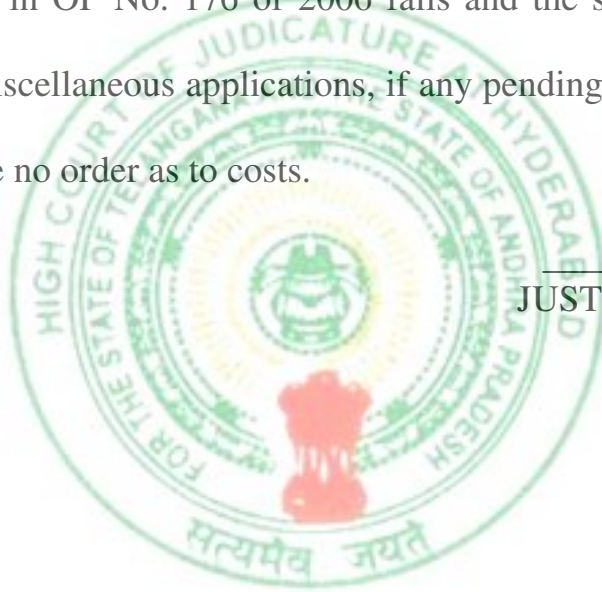
<sup>1</sup> (2009) 6 SCC 121

computation of compensation has already been settled in MACMA No. 756 of 2008 following the ratio laid down in in *Sarla Verma's* case.

Since the issue relating to computation of compensation was already dealt by the learned single Judge of this Court in M.A.C.M.A.No. 756 of 2008 filed by the insurance company, by relying on the ratio laid down by the Supreme Court in *Sarla Verma's* case, the claimants are not entitled to get any relief in the present appeal.

In the light of the view taken by me as above, the appeal filed by the claimants in OP No. 176 of 2006 fails and the same is accordingly dismissed. Miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

Dt. 29.3.2018  
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JUSTICE J. UMA DEVI