

SMT JUSTICE T. RAJANI

MA CMA No.21 of 2012

JUDGMENT:

This appeal is preferred against the judgment, dated 25.07.2011, passed by the IX Additional District Judge-cum-Chairman, Motor Accidents Claims Tribunal, (FTC), Chittoor, in MVOP No.10 of 2006 on the grounds that the court below did not calculate the compensation properly; that it deducted 1/3rd towards personal expenses in stead of 50%, though the deceased was a bachelor; that it also erred in taking the monthly income of the deceased as Rs.50,000/-, that it ought to have taken the notional income; and that it also erred in taking the multiplier as '18' and the multiplier relevant to the mother of the deceased has to be taken.

2. Heard both the counsel.

3. This is a case of death of the deceased in a motor accident. The court below took the income of the deceased as Rs.3,000/- per month by considering the evidence of the petitioners that the deceased was a tractor driver and also a milk vendor. In the considered opinion of this court, Rs.3,000/- per month, which was taken as the monthly income of the deceased, needs no interference. Hence, the same is sustained.

4. However, the deduction of 1/3rd towards personal expenditure is not sustainable in view of the ratio laid down by the apex court in *Sarla Verma v. Delhi Transport*

*Corporation*¹, the deceased being a bachelor, 1/2nd has to be the deduction towards the personal expenditure of the deceased. Thereby, the loss of monthly income to the petitioners would come to Rs.1,500/- and the loss of annual income would come to Rs.18,000/-. There is no dispute with regard to the multiplier adopted by the court below as the same is in accordance with the ratio laid down by the apex court in *Sarla Varma's* case (supra). Hence, Rs.18,000/- X 18 i.e., Rs.3,24,000/- is awarded. The said amount is substituted for the amount of Rs.4,32,000/-. Apart from the above, Rs.15,000/- is awarded towards loss of estate and Rs.15,000/- towards funeral expenses following the latest decision of the Supreme Court in *National Insurance Co. Ltd. V. Pranay Sethi* [Special Leave Petition (Civil) No.25590 of 2014 and batch dated 31.10.2017]. Hence, the total award comes to Rs.3,54,000/-.

Accordingly, the MACMA is partly allowed. As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

T. RAJANI, J

July 20, 2018
LMV

¹ (2009) 6 SCC 121