

**THE HON'BLE SMT. JUSTICE T.RAJANI**

**MACMA. No.1076 of 2013**

**JUDGMENT:**

This appeal is preferred by the appellants, who are the claimants, assailing the order dated 22.11.2012 passed in MVOP.No.2600 of 2008 by the III Additional Metropolitan Sessions Judge-cum-XVII Additional Chief Judge, Hyderabad, on the grounds that the Court below did not award adequate compensation; it ought to have awarded under various heads such as, transport, treatment, medical charges etc.,; it erred in awarding meager amounts.

Heard the learned counsel on either side and perused the material on record.

This is a case of death of a woman in a motor accident on 03.10.2008 at 8 am. The claimants are husband and children of the deceased. The deceased is stated to be a tailor. The Court below by considering that there is no evidence regarding her avocation considered her to be house wife and took Rs.4,000/- as her earnings. This Court is not in a position to defer from the said finding, as, admittedly no evidence is adduced to prove her avocation, much less her income. But, however, even if she is considered to be a house wife, in the ruling of the Apex Court reported in **ARUN KUMAR AGRAWAL AND ANOTHER Vs. NATIONAL INSURANCE Co. Ltd. AND OTHERS<sup>1</sup>**, which is relied upon by the appellants, Rs.5,000/- was taken as the notional income of the house wife, aged is 39 years. Hence, going by the above referred ruling and considering the age of the deceased in this case, which is stated to be 50 years, Rs.4,500/- can be taken as the monthly income of the deceased. Out of the same 1/3<sup>rd</sup> has to be deducted towards her personal expenses. Then the loss of income to the claimants would be Rs.3,000/- per month and Rs.36,000/- per annum.

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<sup>1</sup> 2010 ACJ 2161

The multiplier relevant for the age of the deceased, as per **SARLA VERMA (SMT) AND OTHERS Vs. DELHI TRANSPORT CORPORATION AND ANOTHER**<sup>2</sup> is 13.  $36000 \times 13 = 4,68,000/-$  hence, the same is awarded towards loss of future income to the claimants. Apart from the above, Rs.40,000/- is awarded to the 1<sup>st</sup> petitioner under the head of consortium and Rs.15,000/- towards funeral expenses and Rs.15,000/- towards loss of estate, following the judgment of the Apex Court in **NATIONAL INSURANCE COMPANY LIMITED Vs PRANAY SETHI AND OTHERS**<sup>3</sup>. Hence, in all the award amount would be Rs.5,38,000/-. The same is substituted the award of the Court below, which is Rs.4,25,500/-.

The award shall relate back to the date of the decree and the enhanced amount shall carry interest at the rate specified and from the time indicated in the award of the Court below.

In the result, the appeal is allowed in part with proportionate costs. Consequently, miscellaneous applications, if any, shall stand closed.

**JUSTICE T.RAJANI**

**Date: 20.07.2018**  
**LSK**

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<sup>2</sup> (2009) 6 Supreme Court Cases 121

<sup>3</sup> MANU/SC/1366/2017