THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.2523 of 2013

JUDGMENT:

Appellant-Insurance Company filed this appeal challenging the Award dated 29.10.2012 passed in M.V.O.P.No.95 of 2011 by the Chairman, Motor Accident Claims Tribunal-cum-IV Additional District Judge (FTC), Warangal, granting compensation of Rs.2,35,000/- together with interest at 7.5% per annum as against the claim of Rs.3,00,000/- on account of the death of the deceased Komure Mamatha in the motor vehicle accident occurred on 04.05.2005.

2. Heard. Perused the record.

3. In this appeal, the manner of accident and death of the deceased due to the injuries sustained in the accident are not in dispute. Hence, it is not necessary for this Court to probe into those aspects.

4. The only point raised by Sri Kota Subba Rao, learned counsel for the appellant, in this appeal is that the deceased being a minor boy aged 12 years and unmarried, the Tribunal ought to have deducted 50% of the notional income of the deceased towards personal expenses. Therefore, the compensation awarded by the Tribunal is liable to be reduced.

5. As seen from the impugned award, since the deceased was aged 12 years at time of his death, the Tribunal has taken the notional income of the deceased as Rs.15,000/- per month following the ratio laid down by the Apex Court in ***Sarla Verma***

vs. Delhi Transport Corporation[1]. As rightly contended by the learned counsel for the appellant, the Tribunal has not deducted any amount from the notional income of the deceased towards personal expenses and as per the decision of the Apex Court in ***Sarla Verma (1 supra)***, in case of unmarried 50% of the income has to be deducted towards personal expenses. But, in the present scenario, as per the settled law, in case of non-earning member, notional income has to be taken as Rs.30,000/- per annum. That apart, the Apex Court in number of cases held that in case of death of a child, the notional income has to be taken on much higher side than Rs.30,000/-. If the said principle is applied and notional income of the deceased is considered as Rs.30,000/- per annum and 50% thereof is deducted towards personal expenses, the compensation granted by the Tribunal of Rs.2,25,000/- towards loss of dependency cannot be said to be on higher side. Further, the Tribunal has granted very paltry amounts of Rs.5,000/- towards loss of estate and Rs.5,000/- towards funeral expenses. Thus, viewed from any angle, the compensation granted by the Tribunal needs no interference by this Court.

6. For the aforesaid reasons, the appeal is dismissed.

Miscellaneous petitions pending in this appeal, if any, shall stand closed. No order as to costs.

T. AMARNATH GOUD, J

20.08.2019
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[1] 2009 (6) SCC 121