

THE HON'BLE SRI JUSTICE B. CHANDRA KUMAR

M.A.C.M.A. No. 2105 of 2006

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Judgment:

This appeal is filed by the United India Insurance Company Limited against the award dated 14.06.2006 passed in OP No.2531 of 2002 by the V Additional Metropolitan Sessions Judge, Mahila Court-cum-XIX Additional Chief Judge, City Criminal Courts, Hyderabad.

The parties hereinafter will be referred to as they are arrayed before the Tribunal for the sake of convenience.

Since the quantum of compensation alone is in question in this appeal, there is no need to discuss other aspects. As seen from the record the deceased was aged about 35 years. Therefore, the appropriate multiplier is '15'. According to the claimants the deceased was working as Hamali and earning Rs.5000/- to Rs.6000/- per month. However, the Tribunal has taken his income at Rs.3,000/- per month and after deducting 1/3rd towards his personal expenses and applying the multiplier '15' awarded Rs.3,60,000/- towards loss of earnings. The Tribunal also awarded an amount of Rs.10,000/- each to the first claimant and the third respondent who are the wives of the deceased towards loss of consortium and Rs.5,000/- to the other claimants. Thus, the Tribunal awarded total amount of Rs.4,05,000/- but restricted the same to Rs.4,00,000/- as claimed by the claimants.

Having regard to the latest judgments of the Apex Court, the wife of the deceased is entitled to Rs.1,00,000/- towards loss of consortium. The claimants are also entitled to Rs.25,000/- towards funeral expenses and Rs.1,00,000/- towards loss of estate. If the same is taken into consideration, the claimants will get more than the amount awarded by the Tribunal. In the circumstances, I am of the considered

view that the compensation awarded by the Tribunal is just and reasonable and there is no need to interfere with the same. The appeal is devoid of merit and the same is liable to be dismissed.

Accordingly, the MACMA is dismissed. However, in the circumstances, no costs.

As a sequel, the miscellaneous petitions, if any, pending in this appeal shall stand closed.

B. CHANDRA KUMAR, J.

Date: 21.10.2014

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