

HON'BLE SMT JUSTICE P.SREE SUDHA

M.A.C.M.A.No.265 OF 2022

ORDER:

This appeal is filed against the order dated 20.01.2022 passed in M.V.O.P.No.1516 of 2016 on the file of the Court of IX Additional Chief Judge, City Civil Court, at Hyderabad.

2. The learned counsel for the appellant mainly contended that the monthly income of the deceased is taken as Rs.12,000/- per month without any cogent evidence. Though the deceased was aged 20 years and bachelor at the time of death, the trial Court has deducted only $\frac{1}{4}$ of his income towards personal expenses inspite of taking 50% of income as per the guidelines of the Hon'ble Supreme Court in various judgments.

3. He further stated that as per the decision reported in 2017 ACJ 2700 in National Insurance Company

Limited Vs. Pranay Sethi & Others, future prospects shall arise only if the deceased has established income but in the present case, the income of the deceased is neither established nor proved.

4. Apart from that, he disputed the interest granted @ 9% per annum and requested to grant interest @ 6% per annum. Accordingly, he requested the Court to modify the order of the trial Court.

5. Heard the arguments of both sides.

6. This Court also feels that the interest granted by the trial Court is excessive and finds that the interest is to be awarded as per the present interest granted by nationalized bank and it is to be modified as 7.5% per annum instead of 9% per annum.

7. The order of the trial Court is modified to the extent indicated above.

8. The appellant herein is directed to deposit the amount within one month from the date of receipt of

copy of this order. The claimants are directed to withdraw the same equally.

9. Miscellaneous petitions, if any, pending shall stand closed.

SMT JUSTICE P.SREE SUDHA

Date: 27.09.2022
KRR/PLP