

SMT JUSTICE T. RAJANI

MACMA.No.979 of 2006

JUDGMENT:

This appeal is preferred by the appellant-insurance company, who is the second respondent before the Court below, assailing the judgment of the Chief Judge, City Civil Court, Hyderabad in OP.No.1889 of 2002 dated 25.10.2005 on the grounds that the Court below ought to have accepted and appreciated that the salary certificate, Ex.A7, is required to be proved and since the claimants failed to prove the same, the judgment of the Court below needs to be set aside.

2. Heard counsel for the appellant. None appears for the respondents.

3. A perusal of the judgment of the Court below shows that Ex.A7 reflected the salary of the deceased as Rs.3,540/- per month. The contention of the counsel for the appellant that in the absence of any cogent evidence, Rs.3,000/- can be taken as the monthly income of the deceased, need not be accepted and the amount mentioned in the salary certificate seems to be reasonable for a person, who is not disputed, to be working as sales executive in Tata Teleservices. Even if we go by the latest decision of the Supreme Court in NATIONAL INSURANCE CO. LTD. v. PRANAY SETHI [SLP(Civil).No.25590 of 2014 dated 31.10.2017) the future hike in salary also should be taken. Hence, if we go by that calculation, the standardised salary would be Rs.3,600/-, which was arrived by the Court below. Hence, in view of

the above discussion, this Court opines that there is no reason to interfere with the judgment of the Court below.

The civil miscellaneous appeal is dismissed. As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

November 17, 2017  
DSK

T. RAJANI, J

