The Hon'ble Smt. Justice T.Rajani

M.A.C.M.A. No.972 of 2008

Date: 03.10.2017

Judgment:

This Appeal is preferred by the appellant- Insurance Company, which is respondent No.2 in OP.No.137 of 2005 on the file of the Court of the Motor Vehicle Accidents Claims Tribunal –cum- I Additional District Judge, Karimnagar (for short 'the Tribunal'), assailing the Judgment, dated 20-06-2006, passed therein on the ground that the Tribunal took the annual income of respondent No.1 (injured) as Rs.86,000/-, instead of the notional income of Rs.16,000/- as per the second Schedule of the Motor Vehicles Act, although no cogent evidence was adduced to establish his annual income.

Heard both the learned Counsel for the parties.

At the hearing, the learned Counsel for the appellant contends that the Tribunal ought to have taken Rs.3,000/- as the monthly income of respondent No.1 instead of Rs.86,000/- as his annual income.

Though such a plea was raised before the Tribunal, there were no supporting reasons for accepting the same. The Tribunal relied on Ex.A.14 -Income Tax Returns of respondent No.1 and arrived at his income as Rs.86,000/- p.a. There is absolutely no reason to disbelieve the Income Tax returns as no evidence is adduced by the appellant either to disprove the same or to prove that the same are not genuine and correct. Hence, the income of respondent No.1, as evidenced by his Income Tax returns, can be taken as a very good proof of his income. There is absolutely no reason to adopt a different approach than the one adopted by the Tribunal in arriving at the income of respondent No.1.

With the above observation, the Appeal is dismissed.

As a sequel to dismissal of the Appeal, interim order, dated 17-11-2006, which is made absolute on 27-03-2008, is vacated and MACMAMP.No.1788 of 2008 in/& MACMAMP.No.5876 of 2006 are disposed of as infructuous.

(T.Rajani, J)

Dt: 3rd October, 2017
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