

**HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
HON'BLE SMT. JUSTICE T. RAJANI**

M.A.C.M.A.No.1518 of 2016

JUDGMENT: (ORAL)

(Per Suresh Kumar Kait, J)

Vide the present appeal, appellant has assailed award dated 13.11.2015 passed in MVOP No.808 of 2013 on the file of the Motor Accidents Tribunal-cum-III Additional Chief Judge, City Civil Court, Hyderabad, whereby compensation of Rs.27,10,000/- has been granted with costs and interest at the rate of 7.5% per annum from the date of petition till realisation.

2. Learned counsel appearing on behalf of the appellant argued that the deceased was having three acres of land and claimed that he was earning Rs.20,000/- per month from the said land. He submits that it is not possible to earn Rs.20,000/- per month from three acres of land, however, the learned Tribunal has ignored this fact and assessed the income of the deceased at Rs.20,000/- per month and accordingly awarded compensation.

3. On a perusal of the award, we note that P.W4, namely, V.Gunessekar working as Chartered Accountant, has deposed that the deceased was his client and he was getting substantial income and used to file income tax returns. As per the testimony of P.W.4, the income of the deceased was Rs.1,69,044/- for the year 2007-08, Rs.2,20,752/- for the year 2008-09, Rs.2,88,010/- for the year 2009-10 and Rs.2,82,217/- for the year 2010-11 and Rs.2,96,079/- for the year 2011-12. The accident had taken place on 13.06.2012. Keeping in view the income of the deceased as mentioned above, the learned Tribunal assessed the income of the

deceased as Rs.3 lakh per annum. The appellant did not produce any material or examined any witness to rebut the income tax returns filed by the claimant, which has been substantiated by P.W.4, Chartered Accountant of the deceased.

4. We do not find any substance in the aforesaid ground urged by the learned counsel for the appellant.

5. As no other ground is urged, finding no merit in the appeal, the same is accordingly dismissed. No order as to costs.

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

April 13, 2018
MRR



SURESH KUMAR KAIT, J

T. RAJANI, J