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

MACMA No.2485 of 2012

JUDGMENT: (ORAL)

(Per Suresh Kumar Kait, J)

This appeal is directed against award dated 01.12.2012 passed in O.P.No.139 of 2009 by the I Additional Metropolitan Sessions Judge-cum-XV Addl. Chief Judge, Hyderabad, whereby an amount of Rs.37,17,976/- is awarded with interest at 7.5% p.a. from the date of petition till the date of realisation.

In the present appeal, appellant has raised various grounds, however, argued one ground that the Tribunal erred in considering the income of the deceased at Rs.41,852/- per month from the salary certificate, instead of insisting for the income tax returns of previous 3 years to assess his income.

We note, in para 11 of the award, the learned Tribunal has observed that the deceased-Hara Gangadhar Prasad was working as I.T. Manager in M/s.CMC Ltd., Hyderabad and earning Rs.67,866/- per month and was contributing the same to his family. In her evidence, the 1st respondent as P.W.1 stated that her husband was earning Rs.67,866/- per month as I.T. Manager in M/s.CMC Ltd., Ram Koti, Hyderabad as per the salary certificate under Ex.A.5. The said salary certificate issued by M/s.CMC Ltd., Hyderabad, establishes that net salary of the deceased was Rs.41,852/- per month after deducting P.F., Income Tax etc. P.W.3 – S.K.Naresh Kumar, in his evidence, stated that Exs.A.5 to A.7 were issued by their company. The date of birth of the deceased was 02.01.1957 as per Ex.A.6. Accordingly, the net salary of the deceased was considered as Rs.41,852/- per month.

It is the not the case of the appellant that the gross salary of Rs.67,866/- has been considered by the Tribunal.

In view of the above, we find no substance in the argument of the learned counsel for the appellant.

The appeal is accordingly dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any pending in the appeal, stand closed.

SURESH KUMAR KAIT, J

T.RAJANI, J

April 9, 2018
MRR