$-19

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Decided on: 23.01.2020*

\+ **MAC.APP. 339/2019**

RELIANCE GENERAL INSURANCE CO. LTD...... Appellant

Through: Mr. A.K. Soni, Adv.

versus

JAGWANTI DEVI & ORS ..... Respondents

Through: Mr. Ravi Panwal, Adv.

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J (Oral)

1. This appeal impugns the award of compensation dated 01.02.2019 passed by the learned MACT in Suit No. 73/2016 on the ground that while computing compensation towards 'loss of dependency', there was no basis for the annual income of the deceased to be taken as Rs. 4,58,188/-, in the absence of any documentary evidence. The learned Tribunal has dealt with this issue as under:-

> *"ASSESSMENT OF INCOME OF THE DECEASED:*
>
> *36. First step towards computation of loss of dependency is ascertainment of income of the deceased.*
>
> *37. The case of the petitioners, as pleaded in the petition, was that the deceased was employed as 'Constable' with Delhi Police and drawing salary in the sum of Rs. 41,483/- per month.*

38. PW-3 HC Manoj Kumar Sharma, Account Branch, DOR Office, East District, Delhi, proved salary slip for the month of January, 2015 Ex.PW3/A and salary statement for the period 2014-15 EX.PW3/B.

39. PW-4 Ct. Arun Kumar proved character and service roll EX.PW4/A and roll of Delhi Police w.e.f. 04.02.2015 EX.PW4/B.

40. PW-5 ASI Nanak Chand proved pension payment order Ex.PW5/A, details of family pension paid to Smt. Jagwanti, wife of the deceased since 04.02.2015 to October, 2017 EX.PW5/B and details of family pension and pensionary benefits Ex.PW5/C.

41. There is credible evidence on the aspect of employment and income of the deceased. The deceased was employed as 'Constable' with Delhi Police. He was appointed on 15.03.1988. He completed 26 years in service before his death.

42. Taking the mean of salary received for the period from April, 2014 to January, 2015, his gross salary is computed as Rs. 40,200/- per month. After deducting washing allowance of Rs. 90/-, his gross income is computed as Rs. 40,110/- per month. As such, gross annual income of the deceased was 4,81,320/-. After deducting income tax liability in the sum of Rs. 23,132, net annual income of the deceased is computed as Rs. 4,58,188/-."

2. The aforesaid contention calls for no interference and is accordingly, rejected.

3. No other ground is pressed.

4. There is no merit in the appeal. It is accordingly dismissed.

5. The awarded amount is stated to have been deposited in this Court. Let the awarded amount, alongwith interest accrued thereon, be released to the beneficiary(ies) of the Award, in terms of the scheme of disbursement specified therein.

6. The statutory amount, alongwith interest accrued thereon, be deposited into the ‘AASRA’ Fund created by this Court for the treatment and rehabilitation of burn victims.

NAJMI WAZIRI, J

JANUARY, 23, 2020

kb