**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**FIRST APPEAL NO. 730 OF 2014
AND
CIVIL APPLICATION NO. 8809 OF 2021
IN
FIRST APPEAL NO. 730 OF 2014**

Maharashtra State Road Transport Corporation
Through Divisional Controller, Aurangabad ..APPELLANT

VERSUS

Shalini Rajendra Lavale and Others ..RESPONDENTS

....

Mr. R.D. Reddy, Advocate for appellant
Mr. A.R. Borulkar, Advocate for respondent nos. 1 to 4
Mr. M.V. Reddy, Advocate for respondent no.5

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CORAM : R.G. AVACHAT, J.
DATED : 01st OCTOBER, 2021

PER COURT :

1. Heard.

2. The Maharashtra State Road Transport Corporation ("M.S.R.T.C.") is in appeal challenging the award granting compensation on account of death in vehicular accident. The deceased was an Assistant Teacher with Zilla Parishad School at Jalgaon-Sapkal. His last pay certificate was produced before the tribunal which does indicate that her salary was Rs.27,858/-.

3. Learned counsel for the appellant – M.S.R.T.C. would submit that the last pay certificate does not disclose correct salary of the deceased. The evidence of Head Master of the concerned school indicate that the deceased was In-charge Head Master and it is every possibility that the salary certificate might have been depicting her salary as In-charge Head Master. According to learned counsel for the appellant, the tribunal ought not to have added 50% of the salary towards future prospect.

4. These submissions are not acceptable. The school with which the deceased was serving was a Zilla Parishad School. The salary certificate has to be relied on for want of contra evidence. It is true that the tribunal has made addition of 50% of the salary on account of future prospect. It should have been 40%, since the deceased had a permanent job and was below forty years of age when died. Although the claimants have not preferred any appeal or cross objection for enhancement of compensation, they can support the quantum granted under the impugned award. The tribunal has not awarded compensation to each of the claimants on account of loss of consortium and loss of love and affection. No amount has been awarded for loss of estate and funeral expenses. Moreover, 30% has been deducted towards income tax and surcharge. As such, the amount of compensation awarded by the tribunal is just and reasonable in the facts and circumstances of the case. This Court, therefore, has no reason to interfere therewith.

5. In the result, the appeal fails. Same therefore dismissed. The amount in deposit be paid to the claimants alongwith interest accrued thereon immediately. Civil application stands disposed of accordingly.

(R.G. AVACHAT, J.)

SSD