IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 1524 OF 2004

UNITED INDIA INSURANCE CO. LTD
VERSUS
SMT. SINDHUBAI SHIVAJI FULARI
AND OTHERS

......

Advocate for the appellant : Mr. A. B. Gatne
Advocate for Respondent : Mr. M. B. Bharaswadkar

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CORAM : S. G. DIGE, J.
DATE : 20.09.2022

PER COURT :-

The issue involved in this appeal is the income of the deceased considered by the Tribunal.

2. It is contention of learned counsel for the appellant that, the Tribunal has considered the income of the deceased at Rs. 5463/- per month. There was deduction from his salary. The income tax amount was cutting from his salary but this fact was not considered by the Tribunal.

3. It is contention of learned counsel for the respondent that deceased was Government servant. He was development Officer. He was drawing salary of Rs. 15,000/- per month in spite of that Tribunal has considered monthly income of Rs.

5,463/- which is on lower side.

4. I have heard both the learned counsel. Perused judgment and award passed by the Tribunal.

5. The issue involved in this appeal is regarding the income of the deceased.

6. The Tribunal has considered the income of the deceased at Rs. 5463/-. It has come in the evidence of Sindhubai Phulari (P.W. No.1) that, her husband was serving as the Education Extension Officer under Zilla Parishad, Latur and he used to draw monthly salary of Rs. 15,000/-. The Tribunal has considered net salary of the deceased as Rs. 8194/- and out of that 1/3rd amount is deducted for personal expenses, and same came to Rs. 5463/-. So in my view, the Tribunal has properly considered monthly salary of the deceased. I do not find any infirmity in it. The appeal is devoid of merit. Hence, I pass the following order.

ORDER

(i) The appeal is dismissed.

(ii) No order as to costs.

(iii) The respondents are permitted to withdraw the amount deposited by the appellant, if not withdrawn.

(iv) The appeal is disposed of accordingly.

(S.G. DIGE,)
JUDGE

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