

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

FIRST APPEAL NO.144 OF 2023

The Executive Engineer, Public Works Division, West Division, Sangli Maharashtra	} } }	...Appellant (Original Respondent No.1)
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Versus

1. Smt. Shobhatai Mohanrao Patil @ Ranmale	} } }	
2. Shri.Abhimanyu Mohanrao Patil @ Ranmale	} } }	
3. Shri.Omkar Mohanrao Patil @ Ranmale	} } }	
4. Smt.Akkatai Jagannath Patil @ Ranmale	} } }	(Deleted vide Exh.28

All R/at of Islampur, Taluka Walwa,
Distinct-Sangli

5 Shri.Namdev Sambhaji Patil (Deceased Thr. His Legal Heirs) 5A. Smt.Sangeeta Namdeo Patil 5B. Sou. Pooja Popat Gaikwad 5C. Sou. Kajal Ganesh Patil 5D. Shri.Aniket Namdeo Patil R/at Red, Taluka Shirala, District -Sangli.	} } } } } } } }	...Respondents
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Mr.Ameet A. Palkar, for the Appellant.
Mr.Drupad S. Patil, for the Respondents.

CORAM : SHIVKUMAR DIGE, J.

DATE : 23 MARCH 2023

JUDGMENT :-

. The issue involved in this Appeal is income of deceased considered on higher side.

2. It is contention of the learned counsel for the Appellant that the Tribunal has considered monthly income of deceased as Rs.15,000/- per month. No evidence was produced on record that deceased was working in the school as a teacher. Inspite of that the Tribunal has considered monthly income of deceased at Rs.15,000/- on the basis of Form No.16 of Income Tax. Hence, requested to allow the Appeal.

3. The learned counsel for the Respondent-Claimants submits that the deceased was serving in Apang Shikshan Mandal at Islampur and was getting salary of Rs.15,000/- per month. The learned counsel further submits that the documents produced on record part of Exhibit-45 shows that the deceased was working as teacher in the Apang Shikshan Mandal and he was drawing salary of Rs.15,000/- per month. The monthly income considered by the Tribunal is proper. Hence, no interference is required in it.

4. I have heard both learned counsel. Perused judgment and order passed by the Motor Accident Claims Tribunal, Sangli (for short 'the Tribunal').

5. The issue involved in this Appeal is whether the deceased was working as a teacher. The documents which are part of the Exhibit-45, show that in the said documents there is letter issued by the District Social Welfare Officer, Sangli, in the said letter the name of deceased is mentioned as Special Teacher in the school of Apang Shikshan Mandal, Islampur. This document shows that deceased was working as a Special Teacher in the said school. As the deceased was teacher his salary considered by the Tribunal is proper. Appeal is devoid of merit and I pass following order.

ORDER

- (i) Appeal is dismissed. No order as to costs.
- (ii) The Claimants are permitted to withdraw the deposited amount along with accrued interest thereon.
- (iii) All pending Civil Applications, if any, are disposed of.

(SHIVKUMAR DIGE, J.)