

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

FIRST APPEAL NO. 62 OF 2020

S.B.I. General Insurance Co. Ltd.)
 Natraj, 101, 201, 301, West Express)
 Highway and Andheri – Kurla Road)
 Junction, Andheri (East), Mumbai)
 400069)....Appellant

Versus

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1. Smt. Kamal Shankar Sutar)
 Age: 50 years, Occupation: Household)
2. Mangesh Shankar Sutar)
 Age: 30 years, Occupation: Driver)
 Both Resident At Near Vishwakarma)
 Temple, Post Katraj, Taluka Haveli,)
 District – Pune.)....Original
 Claimants
3. Shri. Mohammad Numan Sayeed)
 Age: 50 years, Occupation: Transport)
 Address: International Agencies,)
 Muslim Block, Kanakpura,)
 Ramnagar – 562117, Karnataka State)
 D-184, Cargo Park, TTC INDL Area,)
 Behind LP Factory, Nerul Thane,)
 Navi Mumbai – 400706)
4. Sau. Manisha Hanmant Sutar)
 Age: 25 years, Occupation : Household)
 Resident At Post Veer, Near Mhaskoba)
 Temple, Taluka Purandhar,)

District – Pune

)Respondent

Ms. Sayli Thakur i/b Shalini Shankar for the Appellant.

Mr. Ravindra Sankpal i/b Ravindra Sankpal & Associate for the
Respondent Nos. 1 & 2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 4th DECEMBER, 2023.

JUDGMENT. :

1. The issue involved in this appeal is income of the deceased is considered on higher side.

2. It is contention of learned counsel for the Appellant that deceased was carpenter and no income proof was produced on record to show his monthly income. In spite of that, the Tribunal has considered Rs.15,000/- per month as income of deceased which is on higher side and on that basis compensation is awarded which is erroneous. Hence, requested to allow the Appeal.

3. It is contention of learned counsel for the Respondents/Claimants that deceased was doing business of

carpenter. He was skilled worker, deceased used to sell his furniture at Pune. He was also doing marketing of his business. The income considered by the tribunal is proper and no interference is required in it.

4. I have heard both learned counsel perused judgement and order passed by motor accidents claims tribunal, Satara (for short "The Tribunal"). While dealing with the issue of income of deceased, the Tribunal has observed that deceased was skilled carpenter and used to sell his furniture at Pune. PW-2 Sunil supported the evidence of Claimants, deceased was taking care of his family. Relying on judgment of *The National Insurance Company vs. Shriee Adiveppa 2018(6) ALLMR (Journal) 39*. The Tribunal has considered income of deceased at Rs.15,000- per month. I do not find any infirmity in it as it has come on record that deceased was skilled carpenter. He used to sell his furniture at Pune as well as he was doing marketing .

4. In view of above, I pass following order.

ORDER

- i. Appeal is dismissed. No order as to costs.

- ii. The Claimants are permitted to withdraw deposited amount along with accrued interest.
 - iii. The statutory amount be transmitted to the Tribunal. The parties are at liberty to withdraw it, as per Rule.
5. All pending interim applications are disposed off.

(SHIVKUMAR DIGE, J.)