



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

**CIVIL APPLICATION NO. 6870 OF 2023
IN FAST/16100/2023**

**UNITED INDIA INSURANCE CO LTD
VERSUS
SMT SHAMA SALIM CHOUDHARI AND OTHERS**

Mr.S.S.Rathi, Advocate for the applicant.

Mr.D.R.Jaybhar, Advocate for respondent Nos. 1 to 3.

**CORAM : KISHORE C. SANT, J.
DATED : 25.06.2024**

PC :-

01. This application is filed for stay to the impugned judgment and award passed by learned Member, Motor Accident Claims Tribunal, Ahmednagar in MACP No.473 of 2017.

02. It is case of the insurance company that the claimants have not produced any evidence to show income of the deceased, still the learned Tribunal has considered the same to be Rs.60,000/-, without proof of salary. The learned Tribunal has considered the said income based upon experience certificate and one offer letter that was issued in 2010. Except experience certificate, there is no proof in the nature of salary certificate to show that the deceased was actually receiving the salary. The applicant-appellant already deposited 50% of the amount of award along with interest in this Court.

03. The learned Advocate for the respondent submits that the

deceased was a person having degree in Engineering. He was working as a Managing Director of a sugar factory. The learned Tribunal has rightly considered income to be Rs.60,000/-. He thus opposed the application.

04. Considering above submissions, this Court finds that to consider the income of a qualified person to be Rs.60,000/- per month will not be unreasonable. However, the fact remains that no salary certificate is on record to show that the deceased was actually in service and was getting salary of Rs.60,000/-. In view of the same, this Court finds that grant of stay on deposit of 50% amount would meet ends of justice.

05. Since 50% amount of award is already deposited, there shall be stay to the impugned judgment and award.

06. The civil application is accordingly allowed and disposed off.

[KISHORE C. SANT, J.]