

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 509 OF 2023

Maharashtra State Road Transport Corporation
Through the Divisional Manager,
MSRTC Divisional Office, Solapur.
Having office at Budhavar Peth, Solapur-413 002
(S.T.Bus No. MH-12/EF-6480)

Appellant

Versus

1. Anita @ Supriya Sachin Mehtre
Age – 26 years, Occ-Housewife
Residing at Shahu Nagar, behind Talathi Office,
Majalgaon, District – Beed.
At present Residing at H.No.27/5, Murarji Peth
Near Niralevasti Samaj Mandir, Solapur.
2. Rajaram Narayanrao Mehtre
Age 57 years, Occ- Service,
Residing at Shahu Nagar, behind Talathi Office,
Majalgaon, District – Beed.
At present Residing at H.No.27/5, Murarji Peth
Near Niralevasti Samaj Mandir, Solapur.
3. Bajaj Allianz General Insurance Corporation Ltd.
The Branch Manager,
Near City Hospital, Old Employment Chowk,
Solapur
(Ins. Company of Car No. MH-40/AC-2554)
4. Balika Rajaram Mehtre
Age – 52 years, Occ – Household,
Residing at Shahu Nagar, behind Talathi Office,
Majalgaon, District – Beed.
At present Residing at H.No.27/5, Murarji Peth
Near Niralevasti Samaj Mandir, Solapur.
5. Raghunath Gulabrao Mane
Age – 59 years, Occ – Driver,
Residing at Dahivadi, S.T.Depot, Dahivadi
Taluka and District Satara

Respondents

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Mr. Amit Gharte a/w. Mr. Ansari Faiyaz Ahmed, Advocate for Appellant.
Mr. R. S. Alange, Advocate for Respondent Nos. 1, 2 and 4.
Mr. S.S.Diwan, Advocate for Respondent No.3.
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CORAM : SHIVKUMAR DIGE, J.
DATE : 23rd JANUARY, 2024.

JUDGMENT :

1. The issue involved in this appeal is income of deceased is considered on higher side.
2. It is contention of learned counsel for the appellant that the deceased Sachin Mehtre was working with New Holland Tractor company and was earning yearly salary of Rs.3,70,000/- per year. The Tribunal has considered whole salary of the deceased without any deduction which is not proper, hence requested to allow the appeal.
3. It is contention of learned counsel for the respondent Nos. 1, 2 and 4 /claimants that the deceased was working with New Holland Tractor Company and was getting gross salary of Rs.3,70,000- and after deducting income tax the Tribunal has considered yearly salary of deceased at Rs.3,24,000/- which is proper, hence requested to dismiss the appeal.
4. I have heard both the learned counsel. Perused the Judgment and Order passed by Motor Accident Claims Tribunal, Solapur (for short “**the Tribunal**”). To prove the income of the deceased the claimants have

examined the claimant No.1 she has stated that deceased was working with New Holland Tractor Company and was getting salary at Rs.3,70,000/- per year. In support of the evidence of PW-1, the claimants have examined PW-2 Ajay Rohatgi, Pay Role Head of New Holland Tractor Company at Exhibit-65 he has stated that the gross salary of deceased was Rs.3,70,000/- subject to income tax deduction. Considering the income tax deduction the Tribunal has considered yearly income of deceased at Rs.3,24,000/- I do not find infirmity in it. The appeal is devoid of merit and I pass following order:

ORDER

- (i) The appeal is dismissed. No order as to cost.
- (ii) The claimants are permitted to withdraw the deposited amount along with accrued interest thereon.
- (iii) The statutory amount along with interest accrued thereon be transmitted to the Tribunal. The parties are at liberty to withdraw it as per Rule.

(SHIVKUMAR DIGE, J.)