

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO. 295 OF 2023**

Maharashtra State Road Transport Corporation,]
Having office at MSRTC Thane Divisional]
Office, Old Bombay Agra Road, Opp. Vandana]
Cinema, Thane (W), Thane – 400602] Appellant

versus

- | | | | |
|---|--|---|-------------|
| 1 | Laxman Dashrath Bhalearo |] | |
| | Age – 39 years, Occupation : Driver, |] | |
| | (Father of the Deceased) |] | |
| 2 | Rakhi Laxman Bhalerao, |] | |
| | Age – 37 years, Occupation : Nil, |] | |
| | (Mother of the Deceased) |] | |
| | Both residing at Dr. Babasaheb Ambedkar |] | |
| | Nagar, T L Sadhu Vaswani Marg, Cuffe Parade, |] | |
| | Colaba, Mumbai – 400005 |] | Respondents |

Mr. Amit Ashok Gharte, Advocate for the Appellant.

Mr. S. M. Mangaonkar, Advocate for Respondent Nos.1 and 2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 25th JANUARY, 2024.

Oral 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 – Corporation that, at the time of accident, deceased was 12th pass, he was 18 year old. Without any evidence on record, the Tribunal has

considered monthly income of the deceased at Rs.8,000/- per month, which is on higher side, it should have been Rs.6,000/- per month. Hence, requested to allow the appeal.

3. It is contention of learned counsel for respondents/claimants that deceased was 12th pass student. He was a dance teacher, he died due to accidental injuries. The income considered by the Tribunal is on lower side. The order passed by the Tribunal is legal and valid, no interference is required in it.

4. I have heard both learned counsel, perused the judgment and order passed by Motor Accident Claims Tribunal, Thane (for short "the Tribunal").

5. It is claimants' case that deceased was teaching dance to children and earning Rs.20,000/- per month. He produced certificate obtained by the deceased about completion of dancing course. Considering the evidence on record, the Tribunal has considered notional income of deceased at Rs.8,000/- per month. I do not find infirmity in it. In my view, at the time of accident, deceased was 18 year old. The dance certificate produced on record, shows that deceased was a dance teacher. The income considered by the Tribunal is proper.

6. In view of above, I pass following order :

ORDER

1. The appeal is dismissed. No order as to cost.
2. The respondent/claimants are permitted to withdraw

the deposited amount along with accrued interest thereon.

3. The statutory amount be transmitted to the Tribunal along with accrued interest thereon. The parties are at liberty to withdraw it as per Rule.
7. Pending applications, if any, stand disposed of.

(SHIVKUMAR DIGE, J.)