

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.15 OF 2017

	Reliance General Insurance Co. Ltd. Having its office at Reliance Centre, 4 th floor, Chintamani Avenue, Off. Western Express Highway, Near Virvani Industrial Estate, Goregaon (E), Mumbai 63.	)))))	Appellant
	Versus		
1	Machindra Bhaguji Bhorde Age : 30 yrs, Occ : Service / at present NIL, R/at – Pimpri Sandas, Taluka Haveli, Dist : Pune	))))	Org. Applicant
2	Vinod Shridhar Lole Age : Adult, Occ : Business, R/at. Sangvi Sandas, Taluka Haveli, Dist : Pune	))))	Org. Opponent No.1 Respondents
			(Res. No.1-Org. Applicant & Res.No.2- Orig.Opponent No.1)

Ms. Shalini Shankar, Advocate for the Appellant.
Mr. Rahul S. Kate, Advocate for Respondent No.1.

CORAM : SHIVKUMAR DIGE, J.

DATE : 22nd JANUARY, 2024.

Oral Judgment :

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

2. It is contention of learned counsel for the appellant that the Tribunal has considered monthly income of the claimant at Rs.10,000/- without any evidence on record, which is not proper. Hence, requested to allow the appeal.

3. It is contention of learned counsel for respondent/claimant that claimant was working as Security Officer in Kimberly Company Limited and he was getting salary of Rs.11,378/-. After considering the average income, the Tribunal has considered monthly income of claimant at Rs.10,000/-, which is on lower side. Hence, requested to dismiss the appeal.

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

5. To prove the income, the claimant has examined himself. He has stated that he was working as Security Officer at Kimberly Private Limited and he was getting salary of Rs.11,378/-. To support his evidence, the claimant examined PW-2 Mr. Nitin Patil, Security Officer at Kimberly Private Limited. He has stated that the claimant was working in their company and he was getting salary of Rs.11,378/-. The salary slips are produced on record at "Exhibits-37 and 38". While dealing with the issue of income of the claimant, the Tribunal has considered the average income of the claimant at Rs.10,000/- per month. I do not find infirmity in it.

6. In view of above, the appeal is devoid of merit and I pass following order :

ORDER

1. The appeal is dismissed. No order as to cost.
 2. The claimant is permitted to withdraw the balance amount along with proportionate interest thereon.
 - 3 The statutory amount be transferred 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.)