

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
FIRST APPEAL NO. 416 OF 2024

Reliance General Insurance Co. Ltd.]
At 5th Floor, Devavreta Building Section – 17,]
Behind Vashi Plaza, Navi Mumbai 400704]
.... Appellant

Versus

1. Reameshwar Harhangi Chauhan]
Age: 50 Years.]
2. Nilavati Rameshwar Chauhan]
Age: 45 Years.]
3. Neeraj Rameshwar Chauhan]
Age: 19 Years.]
4. Pratibha Rameshwar Chauhan]
Age: 10 Years.]

All R/At Room No. 1308]
Shivshakti Nagar, Near Durga Mandir]
Turbhe Stores, Navi Mumbai-400614.] Original
Applicants

5. Ramchandra Narayan Shetty]
Aged Adult, Residing At C/5/19/3]
2 Heera Panna Apt. Sector No.3]
CD Belapur, Konkan Bhavan]
Thane – 400614.]
.... Respondents

Ms. Shalini Shankar, for the Appellant.
Ms. Varsha Chavan, for the Respondents.

CORAM : SHIVKUMAR DIGE, J.

DATE : 25th NOVEMBER, 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 that deceased was working in garage. Without any evidence on record, the Tribunal has considered monthly income of the deceased at Rs.15,000/- per month, which is on higher side, and on that basis the compensation is awarded, which is erroneous. Hence, requested to allow the appeal.
3. It is contention of learned counsel for the Respondents/Claimants that the deceased was working in the garage and he was getting Rs.15,000/- per month salary and Rs.200/- daily Bhatta charges but, the Tribunal has considered Rs.15,000/- per month salary of the deceased, which is proper. The Tribunal has considered all the evidence on record, and on that basis the order is passed, which is legal and valid and no interference is required in it.
4. I have heard both learned counsel. Perused impugned

judgment and order passed by the Motor Accident Claims Tribunal, Thane (for short “the Tribunal”). To prove the income of the deceased, the Claimants have examined Ganesh Sunil Srivastav owner of the garage. He has stated that deceased was the employee in his garage and he was paying salary of Rs.15,000/- per month and Rs.200/- daily Bhatta charges. In cross-examination, he has admitted that he has not filed documents that garage is proprietorship or partnership. He is not paying income tax. He has not given letter of appointment nor maintained the attendance register.

5. Considering the evidence on record, the Tribunal has considered Rs.15,000/- per month salary of the deceased. I do not find infirmity in it. In my view, at the time of accident deceased was 24 years old. He was Karta of his family. Moreover, it has come in the evidence of Ganesh Srivastav employer of the deceased that he was paying monthly salary of Rs.15,000/- to the deceased. There is no reason to disbelieve his evidence. Considering these facts, I do not see merit in the appeal and, I pass following order:

ORDER

- i. 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 be transmitted to the Tribunal along with accrued interest thereon. The parties are at liberty to withdraw it, as per Rule.

8. All pending applications, if any, stands also disposed of.

(SHIVKUMAR DIGE, J.)