IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 250 OF 2025

SARASWATI HANUMANT GULVE AND ORS
VERSUS
ANIL MAHADEO TARAS AND ANR

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Advocate for Appellants : Mr. Prasanna S. Chavan
Advocate for Respondent No. 1 : Mr. Dhananjay S. Patil
Advocate for Respondent No. 2 : Mr. Abhijit Choudhari

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CORAM : SACHIN S. DESHMUKH, J.

Date : 29th October, 2026

ORDER :-

1. Dissatisfied with the meager award, the appellants have assailed the judgment and award dated 09.10.2023 rendered by the Member, Motor Accident Claims Tribunal at Osmanabad in Motor Accident Claim Petition No. 120 of 2020.

2. The case arises from a fatal vehicular accident occurred on 11.02.2020 at about10:00 a.m.. The deceased Hanumant Chandar Gulve while traveling as a pillion rider on a motorcycle of which the rider was Shivshankar Mane was proceeding toward Osmanabad. Since the rider received phone call, stopped the motorcycle Near village Bavi. A speeding car bearing Registration No. MH-14-CX-9132 came from rear side in a rash and negligent manner and dashed the motorcycle.

3. Resultantly, both riders were thrown onto the road and sustained multiple injuries with Hanumant sustaining grievous head injury, due to which succumbed to injuries. Following the incident, the Osmanabad (Rural) Police Station registered a FIR under Sections 279 and 304(A) of the Indian Penal Code against the driver of the offending car.

4. The claimants subsequently presented a claim petition before the Motor Accident Claims Tribunal, contending that the deceased was 29 years old and working as an Agricultural Assistant at the National Backward Class Open Agricultural Vidyalaya in Shingoli, having salary of Rs. 25,732/-. However, the Tribunal ignored the same. Consequently, the Tribunal discarded the salary certificate, assessed a notional income of Rs. 16,000 per month and partly allowed the petition by awarding a total compensation of Rs. 33,41,000 with 9% interest per annum. Dissatisfied with the meager award, the appellants have approached this Court.

5. Mr. Chavan, the learned counsel for the appellants/claimants submits that the the Tribunal committed an error while discarding the documentary evidence regarding the income of the deceased. The appellants placed on record the Salary

Certificate at Exhibit 42, establishing that the deceased was earning a monthly salary of Rs. 25,732/- as an Agricultural Assistant. In support of the same, the appellants also examined CW-2, the Principal of the National Backward Class Open Agricultural Vidyalaya.

6. The learned counsel further submits that the respondents failed to lead any oral or documentary evidence to counter the said testimony. The Tribunal overlooked the fact that the deceased was managing agricultural lands and failed to add necessary supervision charges to the total loss of earnings. Therefore, it is prayed that the actual monthly income of Rs. 25,732/- be considered to enhance and award just compensation.

7. Per contra, Mr. Chaudhari, the learned counsel for Respondent No. 2 supports the impugned award submitting that the burden of proving the income of the deceased was on the claimants, which failed to discharge with credible evidence. During the cross-examination of the claimants' witness (CW-2), several discrepancies were brought to light regarding the administration of the institution. The counsel submits that the school receives no government funds or financial aid. The management never

deposited the monthly salary into the bank account of the deceased nor did maintain any salary payment register bearing the signature of the deceased. In the absence of any bank records, the said salary certificate cannot be treated as conclusive proof of income.

8. Mr. Chaudhari, the learned counsel for respondent No. 2, therefore, prays that the appeal lacks merit and ought to be dismissed. The learned counsel has placed reliance upon the judgment of this Court in the case of **Uttamrao s/o Narayanrao Tonde and Ors. Vs. M.s. Road Carriers of India and ors. (First Appeal No. 848 of 2007)** delivered on 08.02.2026.

9. Upon hearing the learned counsel for litigating sides and perusing the material on record, the issue before this Court is whether the Tribunal was justified while discarding the salary certificate and holding notional income of Rs. 16,000/- per month.

10. The claimants produced a Salary Certificate (Exhibit 42) indicating that the deceased was earning a monthly salary of Rs. 25,732/-. To prove the same, the appellants examined CW-2, the Principal of the National Backward Class Open Agricultural

Vidyalaya. CW-2 categorically verified the employment and monthly salary of the deceased.

11. The learned Tribunal recorded a finding that the deceased was a qualified and permanent employee of the said institution. Having acceded the employment status of the deceased, the Tribunal committed an error while rejecting the Salary Certificate. The said rejection was based on the grounds that the institution is un-aided, pays salaries in cash and does not maintain bank-deposit trails.

12. The reliance placed by the learned counsel for Respondent No. 2 upon the order in the case of **Uttamrao s/o Narayanrao Tonde (supra)** does not lend support to the case of the insurance company. While the cited case dealt with uncorroborated claims of income, in the present case, a salary certificate issued by the Institution was subsequently proved through the oral testimony of principal CW-2. Thus, the principles established in the said judgment does not support to the contentions of respondent.

13. In view of the above, I am of the considered view that Salary Certificate is duly proved while examining the Issuing

Authority. Although the respondents cross-examined CW-2 but failed to bring any material indicating that the certificate was fabricated or that the deceased was not working there or was not in receipt of the salary indicated in certificate. Once a document is proved by its author and no evidence discarding the same is adduced, the document must be accepted as proof. Therefore, the actual monthly income of the deceased is to be fixed at Rs. 25,733/-. As such, there is no reason to reduce the same as has been done by the Tribunal.

14. Thus, in accordance with the settled principles laid down by the Hon'ble Supreme Court in the case of **Sarla Verma and National Insurance Co. Ltd. v. Pranay Sethi [(2017) 16 SCC 680]**, the revised compensation is structured as under :-

Actual Monthly Salary : Rs. 25,733/-

Annual Income : Rs. 25,733 × 12 = Rs. 3,08,796

Future Prospects : Considering that the deceased was a permanent employee aged under 30 years, a 50% addition is applied toward future prospects : 50% of Rs. 3,08,796 = Rs. 1,54,398

Gross Annual Income: Rs. 3,08,796 + Rs. 1,54,398 = Rs. 4,63,194

Deduction for Personal Expenses : Since the deceased had three dependents (widow, minor daughter, and mother), a

1/3rd deduction is made toward personal and living expenses : 1/3rd of Rs. 4,63,194 = Rs. 1,54,398

Total Annual Loss of Income : Rs. 4,63,194 – Rs. 1,54,398 = Rs. 3,08,796

Multiplier : Based on the age group of 26 to 30 years, the multiplier of 17 is applied

Total Loss of Future Dependency : Rs. 3,08,796 × 17 = Rs. 52,49,532

Non-Pecuniary Damages

Loss of Consortium (3 Claimants) : Rs. 1,32,000

Loss of Estate : Rs. 16,500

Funeral Expenses : Rs. 16,500

Total Non-Pecuniary Damages : Rs. 1,65,000

Thus :-

Total Compensation : Rs. 52,49,532 + Rs. 1,65,000 = Rs. 54,14,532

Compensation Awarded by Tribunal : Rs. 33,41,000

Net Enhanced Amount : Rs. 54,14,532 – Rs. 33,41,000

= Rs. 20,73,532

15. In view of the above, the appeal is **allowed**

16. The compensation stands enhanced to Rs. 20,73,532/-. The enhanced amount shall carry interest at the rate of 9% per annum from the date of the claim petition till realization. Appellant to pay the deficit Court fees as per rules, if any.

17. Out of the enhanced compensation amount along with the accrued interest thereon, the apportionment shall be divided and distributed among the claimants in proportion to the allocation directed by the Tribunal.

18. The First Appeal is disposed of accordingly.

19. Pending civil applications, if any, also stand disposed of.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi