**Where the number of family members is two to three, one third of the income is required to be deducted towards personal and living expenses of the deceased : Jammu and Kashmir High Court**

The last pay certificate of the deceased placed on record by the appellants is eligible to be considered as proof of income of the deceased. This was held in the judgment passed by a single judge bench comprising of **HON’BLE MRS. JUSTICE SINDHU SHARMA,** in the matter **Mohd. Afzal Beig and others. V. Kuldeep Kumar and others. [CMAM No. 91/2014],** dealt with an issue where the petitioner filed a petition challenging an award passed by Motor Accidents Claims Tribunal, Anantnag, whereby the Tribunal has awarded a sum of Rs. 3, 64,000/- along with interest @ 6% p.a. as compensation in favour of the claimants with a direction that the same shall be payable by the insurer.

Deceased Abdul Aziz Beig was knocked down by a vehicle that was being driven rashly and negligently by its driver- respondent No. 1. The offending vehicle, at the relevant time, was owned by respondent No. 2 whereas respondent No. 3 is the insurance company with whom the vehicle in question was insured at the time of the accident. The claimants happen to be widow and sons of the deceased. It was pleaded in the claim petition that the deceased at the time of the accident was aged 56 years and that he was a government servant working as an Assistant Sub-Inspector in Jammu and Kashmir Police Department, drawing a monthly salary of Rs. 28,000/-. The claimants had sought compensation in the amount of Rs. 29.82 lacs from the respondents.

Tribunal came to the conclusion that death of the deceased had arisen out of a motor vehicular accident involving the offending vehicle that was being driven rashly and negligently by respondent at the relevant time. The learned Tribunal also found that there was no breach of policy conditions and as such, insurer is liable to indemnify the insured.

After hearing both sides, the **Hon’ble High Court of Jammu and Kashmir** allowed the petition and held that there is no legal impediment in taking on record and considering the last pay certificate produced by the appellants during the course of these proceedings, particularly when no dispute has been raised with regard to the authenticity of the document. The documents indicating salary and allowances payable to a government employee at the time of his death in the accident duly issued by department where the deceased was working does not require corroboration or any evidence to prove them unless their genuineness or authenticity is in dispute.

**Judgement reviewed by – Vaishnavi Raman**