

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/FIRST APPEAL NO. 3233 of 2025**

=====

PRAVINABEN ASHISHBHAI DESAI & ORS.

Versus

RAMSAGAR RAMLAKHAN YADAV & ORS.

=====

Appearance:

KISHAN Y DAVE(8293) for the Appellant(s) No. 1,2,3,4

=====

CORAM: **HONOURABLE MS. JUSTICE SANGEETA K. VISHEN**

and

HONOURABLE MS. JUSTICE NISHA M. THAKORE

Date : 04/12/2025

ORAL ORDER

(PER : HONOURABLE MS. JUSTICE SANGEETA K. VISHEN)

1. Mr. Kishan Dave, learned advocate, submitted that the Tribunal has incorrectly determined the income of the deceased at Rs.37,500/- per month instead of Rs.75,000/-. It is submitted that the resolution was passed by the company increasing salary from Rs.37,500/- to Rs.75,000/-. Moreover, the Income Tax Returns of the three years were placed on record including the Income Tax Return of the year 2015-16 wherein, the tax paid, is on the amount of Rs.75,000/-. Therefore, the deceased receiving salary of Rs.75,000/-, was proved. Despite which, the learned Tribunal opined that the resolution of the Board of Directors of the company is placed on record only with a view to helping the family of the deceased.

2. Considered the submissions. Issue notice to the respondent returnable on 23.02.2026.

3. Registry is directed to call for the record and proceedings of MACP No. 128 of 2015 from the Tribunal so as to reach this Court on or before 16.02.2026.

(SANGEETA K. VISHEN,J)

(NISHA M. THAKORE,J)

RATHOD KAUSHIKSINH

Original copy of this order has been signed by the Hon'ble Judges.
Digitally signed by: KAUSHIKSINH JILUSINH RATHOD(HC00957), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 08/12/2025 17:17:11