

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 1725 of 2022****With****CIVIL APPLICATION (FOR STAY) NO. 1 of 2022****In R/FIRST APPEAL NO. 1725 of 2022**

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THE UNITED INDIA INSURANCE COMPANY LTD**Versus****RAJESHBHAI BHANABHAI PATEL**

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Appearance:**MR MAULIK J SHELAT(2500) for the Appellant(s) No. 1****for the Defendant(s) No. 1,2,3,4**

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CORAM:HONOURABLE MS. JUSTICE GITA GOPI**Date : 17/06/2022****ORAL ORDER**

Mr. Maulik J. Shelat, learned advocate for the appellant submitted that merely placing reliance on a certificate letter pad of chemical factory, the learned Tribunal has considered the income of the deceased; while the cross-examination clarifies the fact that no attendance register or salary register was maintained by the said person nor any copy of appointment letter was produced. Thus, learned advocate for the appellant submitted that without any authenticated evidence to substantiate the salary certificate on the letter pad, the learned Tribunal had committed an error in assessing the income.

Considering the submissions, **the appeal is admitted.**

(GITA GOPI,J)

ORAL ORDER IN CIVIL APPLICATION NO. 1 OF 2022.

Rule returnable on 01st August, 2022.

In the meanwhile, by way of ad-interim relief, the operation, implementation and execution of the impugned judgment and award shall remained stayed on condition that the applicant-Insurance Company deposits the entire decretal amount before the Tribunal concerned before the returnable date.

A.M.A. SAIYED

(GITA GOPI,J)