

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 1691 of 2025**

=====

NAITIKBHAI PRAKASHBHAI KHANDHEDIA

Versus

VIRUMALBHAI KAMANMALBHAI RAJAI & ORS.

=====

Appearance:

MR. CHIRAG B. AYDI, FOR MR. MAULIK M SONI(7249) for the
Appellant(s) No. 1

=====

CORAM:**HONOURABLE MS. JUSTICE NISHA M. THAKORE****Date : 21/08/2025****ORAL ORDER**

[1] Heard learned advocate appearing for the appellant – original claimant.

[2] Learned advocate has invited my attention to the grounds raised in the appeal memo and has submitted that the Tribunal has committed grave error in reducing the income of the claimant which was otherwise established by producing income tax returns on record at Exhibits-82 to 83 and 87.

[3] Though, the Tribunal has arrived at a conclusion that considering the aforesaid documents, the income of the claimant can be safely assessed around Rs.1,66,134/-, however, has erroneously applied the principles laid down by the Hon'ble Supreme Court in the case of **Rajkumar Vs. Ajay** reported in **2012 ACJ 1**, by reducing to the extent of 1/4th (25% of the aforesaid annual income), thereby, considering Rs.41,534/- per annum for the purpose of determining the future loss of income.

[4] Considering the aforesaid submissions of the learned advocate for the appellant – original claimant, issue **NOTICE** for final disposal, making it returnable on **9th October, 2025**.

[5] In the meanwhile, the Registry is directed to call for the Record and Proceedings, without paper book so as to make it available on the next date of hearing.

(NISHA M. THAKORE,J)

Lalji Desai

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: LALJI DESAI(HC01558), PRIVATE SECRETARY, at High Court of Gujarat on 26/08/2025 11:46:34