

bgp

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INCOME TAX APPEAL NO.1156 OF 2009

The Commissioner of Income Tax

..Appellant

Vs.

Smt.Madhavi K.Jain

..Respondent

Mr.K.R.Choudhary with Ms.Anuradha Mane for appellant.

Mr.S.G.Dalal for respondent.

CORAM :- V.C.DAGA &
J.P.DEVADHAR, JJ.

DATE : 22ND SEPTEMBER, 2009

P.C.

1. Heard.

Perused appeal.

2. The question sought to be raised revolves around gift received by the assessee in the year 2001-02 which is said to be unexplained gift falling under Section 68 of the Income Tax Act. The Tribunal has dealt with the issue in paragraph No.5.1 of the impugned order. The Tribunal has considered the capacity of the person giving gift. The person who gifted, had appeared before the Assessing Officer and affirmed his writing that he had given gift. The capacity of the person to gift is not doubted. The relationship sought to be explained has been accepted as out of love and affection. The transaction appears to be a genuine transaction. Under these circumstances, we see no substantial question of law in the appeal. The appeal is, therefore, dismissed for want of substantial question of law with no order as to costs.

(J.P.DEVADHAR,J.)

(V.C.DAGA,J.)