

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

**CIVIL APPLICATION NO.4284/2012
IN
CIVIL APPLICATION NO.2472/2010
IN
FIRST APPEAL NO.145/1991**

United India Assurance Co.Ltd.,
through its Divisional Manager.
...Applicant..

Versus

Kalavatibai Kishanrao Pawar & others.
...Respondents...

.....
Shri S.V. Kulkarni, Advocate for applicant.
Shri S.V. Munde, Advocate for respondent no.1.
.....

CORAM: T.V. NALAWADE, J.

DATE: 18.11.2015

ORDER :

1] Heard learned counsel for applicant and respondent no.1.

2] The application is filed for condonation of delay caused in filing the review application. The applicant – insurance company wants review of the judgment delivered by this Court in First Appeal No.145/1991. It appears

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that the appeal was filed by original claimant for enhancement of compensation. The Tribunal had given award against the Government of India and the Driver. When the appeal was filed simply for enhancement, it appears that in operative part of the order when the compensation was enhanced by this Court, it is mentioned that not only the Government of India and the Driver are liable to pay, but the insurance company of other vehicle is also liable to pay the compensation jointly and severally.

3] Shri S.V. Munde, learned counsel representing the original claimant makes a statement that the Government of India has paid the entire amount of compensation and the award is satisfied. In view of this statement, there should not be any apprehension for the insurance company that the original claimant or the Government of India will go against the insurance company for any kind of recovery. If there arises any such occasion, then there will be liberty to the insurance company to approach this Court and on that occasion, the matter will be heard on merits.

4] In view of the statement made by the learned counsel

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for the claimant, the application is disposed of.

5] In view of above, Civil Application No.2472/2010
also stands disposed of.

(T.V. NALAWADE, J.)