

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

First Appeal No. 1568 of 2010

District : Aurangabad

Nilesh s/o. Sominath Pere,
Age : 18 years,
Occupation : Education,
R/o. Patoda,
Taluka & District : Aurangabad,
& another.

.. Appellants
(Original respondent nos.1 & 2)

versus

Kavita Sahebrao Govande,
Age : 37 years,
Occupation : Household,
R/o. New Ambedkar Nagar,
Jogeshwari Zopadpatti, Gangapur,
District : Aurangabad,
& 2 others.

.. Respondents
(Nos.1 & 2 - Original claimants
&
No.3 - Original respondent
no.3)

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*Mr. A.S. Barlota, Advocate, holding for
Mr. S.K. Barlota & Mr. I.G. Durrani, Advocates,
for the appellants.*

*Mr. Pandurang M. Gaikwad, Advocate, for
respondent nos.1 and 2.*

Respondent no.3 served.

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WITH

First Appeal No. 1080 of 2010

District : Aurangabad

The New India Assurance Company Ltd.,
Divisional Office No.1, Adalat Road,
at Aurangabad, Through its
Sr. Divisional Manager.

.. Appellant
(Original respondent no.3)

versus

Kavita Sahebrao Govande,
Age : 37 years,
Occupation : Household,
R/o. New Ambedkar Nagar,
Jogeshwari Zopadpatti, Gangapur,
District : Aurangabad,
& 3 others.

.. Respondents
(Nos.1 & 2 - Original claimants
&
Nos.3 & 4- Original respondent
nos.1 & 2)

.....

Mr. V.R. Mundada, Advocate, for the appellant.

*Mr. Pandurang M. Gaikwad, Advocate, for
respondent nos.1 and 2.*

Mr. A.S. Barlota, Advocate, for respondent nos.3 and 4.

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CORAM : A.M. BADAR, J.

DATE : 29TH FEBRUARY 2016

PER COURT :

1. Motion is made for speaking to minutes on behalf of the appellants in First Appeal No. 1568 of 2010. It is submitted that statutory amount deposited by appellant no.1 - Nilesh s/o. Sominath Pere needs to be returned to him as both these appeals are disposed of as compromise

took place between the parties. It is further submitted that however in para 4 of the order dated 17th December 2015, there is no mention of refund of amount of statutory deposit to appellant no.1 in First Appeal No. 1568 of 2010. It is also noted that year of First Appeal No. 1080 is not mentioned in the said order.

2. Mr. Gaikwad, the learned Counsel appearing for respondent nos.1 and 2 in First Appeal No. 1568 of 2010, has no objection.

3. In the wake of this factual position, in para 4 of the order dated 17th December 2015, after '*1080 & slash and in place of dash given*', year '**2010**' be substituted, so also, '**and appellant no.1 in First Appeal No. 1568 of 2010**' be added. So also, the last word of the sentence i.e. '*it*' be substituted by '**them**', so as to read para 4 of the said order in the following manner :-

" Amount if any deposited in this Court by the Insurance Company in First Appeal No. 1080/2010 and appellant no.1 in First Appeal No. 1568 of 2010 be refunded to them. "

4. Motion is disposed of in the above terms.

(**A.M. BADAR**)
JUDGE

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