

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

911 CIVIL APPLICATION NO. 1946 OF 2017  
IN FA/2655/2015

WALMIK DEVRAM PATIL AND ANOTHER  
VERSUS  
GULAB DAGA PATIL AND ANOTHER

...

Advocate for Applicants : Mr.Patil Shrikant S.  
Advocate for Respondent No. 2 : Mr. K.D. Pande &  
Mr.B.A. Dhengle Mr. Malte Uday S.

...

**CORAM : SUNIL K.KOTWAL, J.**

**DATE : OCTOBER 17, 2018**

**O R D E R :**

This application is filed for review of the order passed by this Court in First Appeal No. 2655 of 2015 decided on 26.8.2016, awarding compensation of Rs. 3,12,500/- with interest thereon @ 8% per annum from the date of appeal till its realization.

2. By way of review, the original claimants want to claim interest from the date of filing of application till its realization.

3. Heard Shri S.S. Patil, learned counsel for applicants and the learned counsel for respondent No. 2.

4. Learned counsel for appellant submits that while deciding the claim petition under Section 163A of the Motor Vehicles Act, 1988, on account of some typographical mistake the interest was awarded from the date of appeal instead of from the date of filing of the application. He submits that intention of this Court was to award interest from the date of application. He placed reliance on **"Sanatosh Devi vs National Insurance Company Ltd. And others"** [2012 AIR (SC) 2185].

5. Learned counsel for respondent No. 2 submits that award of interest from the date of appeal was conscious decision of this Court and it is not a clerical or typographical error which can be

corrected by invoking powers of review.

6. Powers of review can be exercised, if there is apparent error on the face of the record and not otherwise. So also this court can correct clerical errors. It is also the principle of law that while deciding review application, the Court cannot seat as Appellate Court. Therefore, this Court cannot examine whether interest can be awarded from the date of the application or from the date of filing of the appeal. So also apparently grant of interest from the date of appeal is conscious decision of this Court. Therefore, by invoking powers of review, this Court cannot modify the order to award interest from the date of filing of the application. The judgment in **Sanatosh Devi** (Supra) is not regarding the powers of review of this Court and therefore, the ratio of that authority is not applicable in the case at hand. I hold that this application is devoid of merits and deserves to be rejected.

7. Accordingly, application is disposed as rejected. No order as to costs.

[**SUNIL K.KOTWAL, J.**]

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