

IN THE HIGH COURT OF BOMBAY AT GOA
MISC.CIVIL APPLICATION NO. 267 OF 2018
IN
FIRST APPEAL NO. 55 OF 2011

LAXMAN JANNA BHANDARI.,

... Applicant

V e r s u s

PUBLIC WORKS DEPT., ASST. ENG. SUB
DIV. III, WDX, GOVT. OF GOA TONCA
AND ANR.,

... Respondents

Shri Nigel Da Costa Frias, Advocate for the Applicant.

Ms. Susan Linhares, Additional Government Advocate for the Respondents.

Coram :- C. V. BHADANG, J

Date : 27 August 2018

ORDER

1. This is an application in the nature of speaking to the Minutes/correction of the judgment and Order dated 06.03.2018 passed by this Court in First Appeal No.55 of 2011. By the said Judgment, the appeal filed by the applicant was partly allowed thereby modifying the judgment passed by the Motor Accident Claims Tribunal. The appellant has been held entitled to a compensation of ₹1,66,650/- alongwith interest at the rate of 9% from the date of the petition till realisation, which is inclusive of the compensation under Section 140 of the Act. The total compensation to which the applicant has been held entitled is set out in para 20 of the judgment.

2. It is contended by Shri Da Costa Frias, learned Counsel for the applicant that while setting out the various heads of the compensation, an amount of ₹43,000/- towards the actual expenses incurred towards medical treatment have remained to be taken into consideration.

3. On the contrary, it is submitted on behalf of the respondent that there is no clerical or arithmetical error in the judgment dated 06.03.2018 which needs to be corrected. It is contended that the applicant has neither pleaded nor stated in evidence about he having incurred expenses of ₹43,000/- towards medical expenses.

4. On hearing the learned Counsel for the parties and on perusal of the record, it does appear that in para 14 of the judgment, this Court had found that the applicant has produced on record bills and vouchers totalling to ₹43,000/- showing expenses incurred on the medical treatment. However, the said amount does not find place in the various heads as set out in para 20. The error is purely of an arithmetical nature arising out of accidental slip and omission which needs to be corrected.

5. Hence, I pass the following order:

ORDER

(i) The application is allowed. The judgment dated

06.03.2018 is modified. The applicant is held entitled to a compensation of ₹2,09,650/- along with interest at the rate of 9% from the date of petition till realization which shall be inclusive of the compensation under Section 140 of the Act.

(ii) The corrected judgment shall be uploaded.

6. The MCA is disposed of in the aforesaid terms.

C. V. BHADANG, J.

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