

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCC No. 382 of 2019**

- The National Insurance Company Limited Divisional Office At Jail Road, Madina Building, Raipur, Civil District Raipur Chhattisgarh.

----Applicant**Versus**

1. Smt. Sundermati Patel Wd/o Late Kanhaie Patel Aged About 48 Years By Caste Aghariya, R/o Village Aambahal, Police Station Buden, Tahsil Padampur, District Bargarh Orrissa., District : Bargarh, Orissa
2. Rampal Umre S/o Shri Chaitram Umre Aged About 49 Years R/o Badi, Aathaa, Meel Makan No. 103, P.S. Badi, Nagpur, Tahsil And Civil District Nagpur (M.H.) (Driver Of Truck No. M.H. No. 31/CB/3786)
3. Jitesh Sahu S/o Shri Bajrang Sahu Aged About 51 Years R/o New Bharat Goods Garage, Nehru Putla, P.S. Itwari, Nagpur, Tahsil And Civil District Nagpur (M.H.) (Owner Of Truck No. M.H. No. 31/CB/3786)

---- Respondents

For Applicant	Shri Anil Gulati, Advocate on behalf of Shri G.V.K. Rao, Advocate.
For Respondents	Shri J.L. Lohani, Advocate.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board**

06/05/2019

1. This is an application filed by the applicant/Insurance Company for modification in the judgment dated 07.12.2018 passed by this Court in MAC No.120/2015 whereby the applicant has sought modification in Sub-para 10 to the extent that the amount of 'Rs.42,000/-' be replaced with 'Rs.72,000/-' which is the amount in fact awarded by the Tribunal, making the claimant entitled for additional compensation of 'Rs.1,18,000/-' instead of 'Rs.1,48,000/-' as mentioned in the said Sub-para.

2. Learned counsel appearing for the respondents have no objection if the above mistake is rectified.
3. Having heard learned counsel for the parties and gone through the judgment dated 07.12.2018 passed by this Court in MAC No.120 of 2015 as also the impugned award, the error pointed out by counsel for the applicant, which is a typographical error, is apparent on the fact of record and needs to be rectified. Hence, the judgment dated 07.12.2018 is hereby modified to the extent that Sub-para 10 is to be read as under:-

'Since the Tribunal has already awarded Rs.72,000/- after deducting the same from the above amount, the claimant is held entitled for additional compensation of Rs.1,18,000/- with interest @ 6% per annum from the date of application till realization. However, rest of the conditions of the impugned award shall remain intact.'

4. With the aforesaid modification in the judgment dated 07.12.2018, the present MCC stands disposed of.

Sd/-
Gautam Chourdiya
Judge

Akhilesh