

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

909 FIRST APPEAL NO.630 OF 2009

THE NEW INDIA ASSURANCE CO LTD. AND ANR
VERSUS

SUREKHA BALAJI CHIKHALIKAR AND ORS

...

Advocate for Appellants : Mr. Ajit Kadethankar;
Mr. S S Patil, Adv. For R/1 To 6.

CORAM : P.R. BORA, J.

DATED : 22nd March, 2019.

PER COURT:-

1. A motion is moved for speaking to minutes of judgment and order dated 1st March, 2019 passed by this court in FA No.630/2009.

2. Learned counsel has tendered across the bar Death Certificates of Respondent Nos.5 and 6 in FA No.630/2009. It is contended that when the appeal was heard and decided by this Court, this fact was not within the knowledge of the learned counsel and in the circumstances, this Court has directed the apportionment of the amount of compensation, presuming that present Respondent Nos. 5 and 6 are alive. The learned counsel submits that after death of Respondent Nos.5 and 6, Respondent Nos. 1 to 4 are their legal heirs, who are already there on record. In the circumstances, clarification is sought in the order dated 1st

(2)

March, 2019 passed by this court to the effect that the amount which was directed to be paid to the share of Respondent Nos.5 and 6, who are no more now, be allotted to the share of the surviving respondents, i.e. Original claimants.

3. In view of the above, the judgment and order passed by this court dated 1st March, 2019, is modified to the extent that the amount of 10% each, allotted to the share of Respondent Nos. 5 and 6, be equally distributed amongst the surviving respondent, i.e. Respondent Nos. 1 to 4.

4. The motion for speaking to minutes is disposed of.

(P.R. BORA)
JUDGE

bdv