

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 2868 OF 2019
IN
FIRST APPEAL NO. 1003 OF 2009**

Meghana Kushaba Kavathekar and ors.Applicants

In the matter between :-

National Insurance Co. Ltd.Appellant

V/s.

Meghana Kushaba Kavathekar and ors.Respondents

Mr. Tejash Dande a/w. Bharat Gadhavi and Vishal Navale i/b. Tejash Dande and Associates for the applicants.

Ms. Kavita Anchan a/w. Mr. Arsh Misra i/b. M.V. Kini and Co. for the original appellant.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 19th AUGUST, 2019**

P.C.:-

. The applicants herein have sought correction in the consent decree dated 04/03/2019.

2. Heard Mr. Tejash Dande, the learned counsel for the applicants and Ms. Kavita Anchan, the learned counsel for the original appellant.

I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. On 04/03/2019, the applicants as well as the appellant – insurance company had filed Consent Terms in First Appeal

No.1003/2009. By order dated 04/03/2019, the appeal was disposed of. The Consent Terms have been incorporated in paragraph 3 of the order.

4. In clause (2) of the Consent Terms, it was stated that as per the order dated 23/11/2009 passed by this Court, the respondents who were the applicants herein had already withdrawn Rs.10,00,000/- out of Rs.45,54,797/- which was deposited by the appellant – insurance company before this Court.

5. Mr. Tejash Dande, the learned counsel for the applicants and Ms. Kavita Anchan, the learned counsel for the respondent/original appellant states that due to inadvertence and a typographical error, the amount which was already withdrawn is typed as Rs.10,00,000/-. They state that the Court had allowed withdrawal of 25% of the compensation and pursuant to the order dated 23/11/2009, the applicants had withdrawn Rs.11,38,699/- and due to typographical error in clause (2) of the consent terms, the amount is wrongly typed as Rs.10,00,000/- in the order dated 04/03/2019. The applicants as well as the respondent – insurance company have filed additional affidavit stating that there is a typographical error in clause (2) of the

consent terms and that the actual amount withdrawn is Rs.11,38,699/-.

6. In the light of the said statement as well as on perusal of the records which in fact shows that the amount which was withdrawn was in fact Rs.11,38,699/-, in my considered view, figure of Rs.10,00,000/- in the order dated 04/03/2019 needs to be corrected so as to read as Rs.11,38,699/-.

7. Necessary corrections be carried out in the order dated 04/03/2019. Order dated 04/03/2019 stands corrected accordingly.

8. Civil Application stands disposed of.

Preeti H.
Jayani

Digitally signed by
Preeti H. Jayani
Date: 2019.08.28
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(SMT. ANUJA PRABHUDESSAI, J.)