

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAF) NO. 3850 OF 2019
with
CIVIL APPLICATION (CAF) NO. 3912 OF 2019
in
FIRST APPEAL NO. 1139 OF 2008 (D)
AND
CROSS-OBJECTION NO. 108 OF 2017 (D)

[The New India Assurance Company Vs. Abdul Khalil Abdul Gafur and ors.]

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri C. A. Joshi, Advocate for the applicants/respondent nos. 1
to 3/Cross-objectors.
Shri H. A. Patil, Advocate for the non-applicant/appellant

CORAM : M. G. GIRATKAR, J.

DATE : 22/11/2019

Heard learned Counsel Shri H. A. Patil and learned
Counsel Shri C. A. Joshi for the respective parties.

This Court has passed common judgment in First
Appeal No. 1139/2008 and Cross-Objection No. 108/2017
on 24.09.2019. While granting compensation in para no. 9
(e) of the judgment, this Court granted Rs.51,000/- as
medical expenses.

Learned Advocate Shri Joshi has pointed out para
14 of the judgment of the Motor Accident Claims Tribunal.

In para 14 of the said judgment learned Member, Motor Accident Claims Tribunal, Akola (for short the “Tribunal”) granted Rs.1,15,158/- towards medical expenses.

Learned Counsel Shri Patil has pointed out page no. 138 of the record and submitted that it is wrong calculation and some amount is given double.

Upon perusal of the page no. 138 about the calculation, it appears that common exhibits are given to the medical bills. The total amount is calculated at Rs.1,15,158/- and the same is awarded by the Tribunal to the claimants. The appeal is already dismissed by this Court, therefore, the mistake is to be corrected.

Accordingly, following corrections be carried out in the judgment:

(i) In para 9 (e), Rs.1,15,158/- be substituted in place of Rs.51,000/-.

(ii) In para 9, Rs.10,26,894/- be substituted in place of Rs.9,62,736-00.

(iii) In para 11, Rs.10,26,894/- (Rupees Ten lakhs Twenty Six Thousand Eight Hundred Ninety

Four only) be substituted in place of Rs.9,62,736-00 [rupees nine lakhs sixty-two thousand seven hundred thirty six only].

The civil application is **disposed** of.

CIVIL APPLICATION (CAF) NO. 3912 OF 2019

Heard.

The claimants/respondent nos. 1 to 3 are permitted to withdraw balance 75% amount out of Rs.6,63,625/-, deposited before this Court alongwith accrued interest, if any, as per their shares of the claimants/respondent nos. 1 to 3 after lapse of the appeal period.

Accordingly, the civil application is **disposed** of.

JUDGE

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