

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

908 CIVIL APPLICATION NO.6523 OF 2020
IN FA/194/2007

BHIKANRAO SITARAM SONAWANE AND ANR
VERSUS
KAWITA RAJENDRA SONAWANE AND ORS

Mr.M.M. Bhokarikar, Advocate for the applicants.
Mr.Akshay Kulkarni h/f. Mr.C.C. Deshpande, Advocate for
the respondent No.1.
Mr.M.K. Goyanka, Advocate for respondent No.2.

CORAM : N.J.JAMADAR,J.
DATE : 02.03.2021

PC :-

01. This application is preferred for modification
of the operative order in the judgment dated 24.07.2020
in First Appeal No.194 of 2007.

02. The substance of the application is that the
apportionment was to be made in equal proportion between
the appellant, wife of the deceased, and respondent Nos.2
and 3, parents of the deceased. However, clause (D) of
the operative order reads as under :-

"D] The compensation as awarded be apportioned in
the ratio of 50% to the appellant – claimant (i.e.
wife of deceased/victim) and balance 50% to be paid
to respondent Nos.2 and 3 in equal proportion."

03. Evidently, while determining the entitlement of the appellant and respondent Nos.1 and 2, this Court has ascribed reasons in para No.20 of the judgment. It does not appear that the Court was not alive to justifiability of the claims of the rival claimants.

04. In this view of the matter, the final judgment and order cannot be modified by resorting to the device of a Civil Application. Hence, the application stands dismissed.

05. However, the applicants/respondent Nos.1 and 2 are at liberty to explore the remedies, which are available in law. All contentions of all the parties are kept open.

06. The Civil Application stands disposed of.

[N.J.JAMADAR, J.]