

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

MISC. CIVIL APPLICATION (REVIEW) NO.655/2021 IN
FIRST APPEAL NO.1190/2016(D)

- 1] Sushma wd/o Milind Ganvir,
Aged 32 years, Occ. : Household.
- 2] Divyang s/o Milind Ganvir,
Aged about 8 years, Occ. : Student.
Acting through his natural guardian mother,
appellant no.1.
- 3] Mahendra s/o Ramaji Ganvir,
Aged about 51 years, Occ.: Labour.
All Residents of Kapil Nagar,
NIT Quarter,D-48, Nari Road, Nagpur,
Dist. Nagpur.

..... **APPLICANTS/**
APPELLANTS

...VERSUS...

Union of India,
through the General Manager,
Central Railway, C.S.T. Mumbai.

..... **NON-APPLICANT/**
RESPONDENT

 Shri R.G.Bagul, Advocate for applicants
 Shri N.P.Lambat, Advocate for non applicant.

CORAM : A.S.CHANDURKAR, J.
DATED : 10.12.2021

ORAL JUDGMENT

Admit. Heard finally considering the short issue involved.

2. According to the applicants in view of Notification dated 22.12.2016 issued by the Ministry of Railways and the judgment of the Hon'ble Supreme Court

in *Union of India vs Rina Devi AIR 2018 SC 2362*, the applicants are entitled to receive total compensation of Rs.Eight Lakhs and not Rs.Four Lakhs as statutory compensation that was awarded in First Appeal No.1190/2016.

3. The learned counsel for the non-applicant does not dispute the fact that the effect of Notification dated 22.12.2016 and the decision in *Rina Devi* (supra) has to be taken into consideration while determining the amount of compensation.

4. Having failed to take these aspects into account has resulted in an error apparent on the face of the record warranting correction. Accordingly in review jurisdiction it is declared that the applicants are entitled to receive total compensation of Rs.Eight lakhs in terms of the judgment dated 07.03.2017 in First Appeal No.1190/2016. Since the part of the amount of compensation has been paid to the applicants, the balance amount so as to result in total compensation of Rs.Eight Lakhs be paid to the applicants.

5. Miscellaneous Civil Application (Review) No.655/2021 is allowed in aforesaid terms. No costs.

(A.S.CHANDURKAR, J.)

Andurkar..