

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

**MISC. CIVIL APPLICATION (ST) NO.2963 OF 2022**

**IN**

**FIRST APPEAL NO.213 OF 2021 (D)**

[Vinod Bhimrao Bhalavi .**Vrs.** Maharashtra State Road Transport  
Corporation and Anr.]

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*Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders.*

*Court's or Judge's order*

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Ms. A. Sharma h/f Shri. P. R. Agrawal, Advocate for Applicant  
Ms. B. Reddy h/f Shri. V. H. Kedar, Advocate for Respondent No.1

**CORAM : SMT. ANUJA PRABHUDESSAI, J.**

**DATE : 25<sup>th</sup> FEBRUARY, 2022.**

By this application, the applicant has sought review of the judgment dated 14.02.2022 passed by this Court in First Appeal No.213 of 2021.

2. Heard Ms. A. Sharma h/f Shri. P. R. Agrawal, learned Counsel for Applicant and Ms. B. Reddy h/f Shri. V. H. Kedar, learned Counsel for Respondent No.1.

3. Learned Counsel for Applicant states that though, the date of judgment is reflected as 16<sup>th</sup> February, 2022, the same was dictated in the open Court on 15<sup>th</sup> February, 2022.

4. Learned Counsel for the respective parties concede that when the matter was listed on final hearing Board on 14<sup>th</sup> February, 2022, while dictating the order, this Court inadvertently ordered deduction of 50% towards personal expenses on the premise that it was a death

claim. This mistake was brought to the notice of the Court, even before the order was typed and signed. Hence, the matter was listed again on 15<sup>th</sup> February, 2022 and in presence of both learned Counsel for the parties, necessary corrections were made in para 13 and 14 of the judgment. However, it appears that necessary corrections as dictated in the Court on 15<sup>th</sup> February, 2022, are not incorporated in the order and the order which was earlier dictated on 14<sup>th</sup> February, 2022, deducting 50% towards personal expenses has been typed and uploaded.

5. The Claim petition arises from injuries sustained in the motor vehicular accident. There is an error apparent on the face of records in deducting 50% compensation towards personal expenses. The said error needs to be rectified in exercise of powers conferred under Order 47 Rule 1 of the Civil Procedure Code.

6. It is to be noted that the notional income of the claimant was considered as Rs.6,000/- per month, which works out to Rs.72,000/- per annum. Adding Rs.28,800/- towards 40% future prospect, the total income is quantified at Rs.1,00,800/- per annum. Considering the age of the Claimant and an applying multiplier of 17, loss of dependency works out to Rs.17,13,600/-. In addition,

the Claimant is entitled for compensation of Rs.1,00,000/- towards pain and suffering. The Claimant, is therefore, entitled for compensation as under :

|      |                                                                          |                                            |
|------|--------------------------------------------------------------------------|--------------------------------------------|
| I.   | Loss of dependency                                                       |                                            |
| i.   | Annual Income                                                            | ₹6,000 × 12 = ₹72,000/-                    |
| ii.  | Addition of 40% towards future prospect                                  | ₹28,800/-                                  |
| iii. | Total Income                                                             | ₹1,00,800/-                                |
| iv.  | Loss of dependency on applying multiplier of 17                          | ₹17,13,600 (1,00,800 × 17)                 |
| II.  | Compensation payable on other conventional heads                         |                                            |
| i.   | Pain and suffering, loss of expectation of life, marriage prospects etc. | ₹1,00,000/-                                |
|      | Total compensation payable                                               | ₹18,13,600/-<br>Rounded up to ₹18,14,000/- |

7. Under these circumstances and in view of the discussion supra, it is held that the Claimant is entitled for compensation of Rs.18,14,000/- with interest at the rate of 7.25% per annum from the date of claim petition till realization. The Respondent No.1 to deposit the enhanced amount of compensation alongwith interest within a period of six weeks from the date of this order. The amount so deposited be paid to the Claimant on verification of his identity. The date of the judgment be corrected as 15.02.2022.

8. The review application stands disposed of in above terms.

**CIVIL APPLICATION (F) NO.416 OF 2022**

9. In view of the order passed in review application, learned Counsel for the applicant seeks permission to withdraw this application for speaking to minutes. Civil application stands disposed of as withdrawn.

**JUDGE***TAMBE*

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