

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

Civil Application (CAO) No.338/2022

IN

Civil Application (CAF) No.774/2022

IN

First Appeal No.291/2018

National Insurance Co. Ltd.

..Versus..

Vaishali wd/o Mahendra Kadam & Ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri P.A. Jibhkate, Advocate h/f Shri K.S. Motwani, Advocate for Respondent Nos.1 to 7.

CORAM : S.M. MODAK, J.

DATE : 10th JUNE, 2022.

1. I have heard both the sides on the last date and learned Registrar (Judicial) was directed to ascertain the fact from the concerned P.A. and to submit a report as to how unsigned correction was done on page No.3 of the order dated 13th December, 2019. Report is not received. The explanation called from the concerned P.A. and explanation given by the P.A. is forwarded to this Court. The concerned P.A. has submitted that he was under *bona fide* belief that corrections to be done on page No.2 continue on page No.3 also and that is why he has not put signature on page No.3. It is true that he has not said anything about any order passed in respect of deletion of the figure Rs.3,50,000/- to Rs.5,75,000/-. I consider the issue is closed at this stage.

2. Now, Civil Application (CAO) No.338/2022 can be decided. It is true that on page No.3, the figure Rs.3,50,000/- ought not to have been corrected to figure of Rs.5,75,000/-. Because this is not the order of the Court dated 13th April, 2022. In view of the matter, learned Advocate for respondent Nos.1 to 7 is right that the amount to be withdrawn by respondent Nos.6 and 7 ought to have been Rs.3,50,000/- as originally order. In view of that, it is presumed that unsigned correction “balance amount of Rs.5,75,000/- by respondent Nos.6 and 7 each” be deleted. The original direction “Rs.3,50,000/- by respondent Nos.6 and 7 each” be restored. The order be modified accordingly.

3. Civil Application (CAO) No.338/2022 is disposed of. Matter be kept after six weeks.

JUDGE

Vijay