

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

CIVIL APPLICATION [CAF] NO.1530 OF 2022

IN

FIRST APPEAL NO.291 OF 2018

[National Insurance Company Limited .vs. Vaishali wd/o Mahendra Kadam and others]

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

Court's or Judge's orders

Ms Aakansha Bhatt, Adv. h/f Ms Gauri Venkatraman, Adv. for appellant,
Shri K.S. Motwani, Advocate for respondent nos.1 to 7.

CORAM : SMT. M.S. JAWALKAR, J.

DATE : 13/07/2022.

This application is filed by respondent nos.1
to 7 for speaking to minutes.

2. It appears that vide order dated 13.04.2022, this Court held that the respondent nos.1 to 3 are entitled to receive an amount of Rs.17,25,000/- (Rupees Seventeen Lacs Twenty Five Thousand) out of Rs.23,00,000/- (Rupees Twenty Three Lacs) in their share. The respondent no.4 is allowed to withdraw Rs.5,75,000/- (Rupees Five Lacs Seventy Five Thousand) as she is having independent account. The respondent nos.6 and 7 each are entitled to receive an amount of Rs.3,50,000/- (Rupees Three Lacs Fifty Thousand). This position is not disputed. However, while carrying out amendment, it appears that Personal

Assistant has committed some mistake. The report of Registrar (Judicial) was called and is placed on record. The necessary corrections are therefore required to be carried out in order dated 13.12.2019 in paragraph no.4 by deleting following statement.

“However, considering the existing need of the claimants, respondent nos.1 to 4 are permitted to withdraw an amount of Rs.23,00,000/- (Rupees Twenty Three Lacs) and respondent nos.6 and 7 are permitted to withdraw Rs.3.50 Lakhs each. The said amount be disbursed from the amount which is lying with the Registry” by keeping intact the FDRs.”

These statements be substituted by following statements :

“However, considering the existing need of the claimants, respondent nos.1 to 3 are permitted to withdraw an amount of Rs.17,25,000/- (Rupees Seventeen Lacs Twenty Five Thousand) and respondent no.4 is permitted to withdraw balance amount of Rs.5,75,000/- (Rupees Five Lacs Seventy Five Thousand) out of amount of Rs.23,00,000/- (Rupees Twenty Three Lacs) that comes to the share of respondent nos.1 to 4. Respondent nos.6 and 7 are permitted to withdraw Rs.3,50,000/- (Rupees Three Lacs Fifty Thousand) each. The said amount be disbursed from the amount which is lying with the Registry, by keeping intact the FDRs”.

3. This statement be substituted in para 4 as referred above in order dated 13.12.2019. Registry is directed to carry out such necessary corrections. Rest of the contents in para 4 will remain as it is. After carrying out amendment, fresh copy of the said order be placed along with handwritten amended copy. This application is filed for speaking to minutes to the order passed by my learned brother on 10.06.2022. It appears that there is inadvertent error cropped up in the said order. However, the correction as stated above will serve the purpose.

4. Civil Application is allowed and disposed of accordingly.

[Smt. M.S. Jawalkar, J.]

Gulande