

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

CIVIL APPLICATION (CAO) NO. 720 OF 2021

IN

MISC. CIVIL APPLICATION (REVIEW) (ST) NO. 12833 OF 2020

IN

FIRST APPEAL NO. 850 OF 2015

Smt. Meghavini Sukhdeo Badhe and Ors.

Vs.

Saiyyad Bashir Saiyyad Nuru and anr.

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

Court's or Judge's Orders.

Mr. D.P. Dapurkar, Advocate for applicants.

CORAM : ABHAY AHUJA, J.

DATE : 23.09.2022.

This is an application seeking condonation of delay of 495 days in filing review application in respect of the judgment dated 08.07.2019 of this Court in First Appeal No.850/2015.

2. Mr. Dapurkar, learned counsel for the appellant submits that the decision of this Court though in favour of the claimants has not considered the future prospects that would be on account of the deceased having a permanent job and being below the age of 40 years, in accordance with the decision of the Apex Court in the case of *Sarla Verma (Smt)*

and Ors. Vs. Delhi Transport Corporation and another, (2009)6 SCC 121, he submits that the calculation in paragraph 23 of the decision of this Court ought to have added 50% of the salary of the deceased as future prospects.

3. Mr. Dapurkar, learned counsel for the appellant has drawn attention of this Court to paragraph 2 of the application in support of his contention for condoning the delay.

4. Having heard the learned counsel for the appellant and having perused the application, the delay application and the decision of this Court, let the delay of 495 days in preferring this review application be condoned. Let the review application be registered within a period of two weeks. The civil application accordingly stands disposed.

M.C.A. (Review)(St.) No.12833/2020

Let the review application along with complete annexures be served on the respondents including the Insurance Company within a period of four weeks and an affidavit of service with tangible proof be filed in this Court by the next date.

2. List the matter on **21.10.2022**.