

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

CAF No.2213/2022 in First Appeal No.840/2012 (D)

Anil Kamble V Shriram Bherane and others

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

Court's or Judge's Orders

Mr. A.S. Londhe, Advocate for appellant.

Mr. R.D. Bhuihar, Advocate for resps. no.1 and 2.

Mr. M.M. Kalar, Advocate for resp. no.3/applicant.

CORAM : ABHAY AHUJA, J.

DATE : 07-10-2022

By judgment dated 21-08-2021, this Court had allowed the Appeal of the claimants and directed the Insurance Company to deposit the amounts in this Court. Mr. Kalar, learned Counsel for the applicant would submit that, however, the wordings 'including No Fault Liability' remained to be included in the said judgment and therefore this application has been made to modify the said judgment. The learned Counsel for the applicant would submit that since the entire amount including 'No Fault Liability' has already been deposited in this Court, no prejudice would be caused if the judgment is modified. The learned Counsel also seeks leave of this Court to deposit 10% of the TDS amount which was deducted before depositing the entire amount in this Court. As the claimant had submitted his Pan Card, soon after the Insurance Company had deducted 20% of the amount, he submits that since the claimants were liable to be deducted only 10%, the balance of the 10% needs to be deposited in this Court

in addition to the amount that has already been deposited.

2. Having heard the learned Counsel and having perused the application, let the words 'including No Fault Liability' be included in paragraph 18(iii) and the said paragraph 18(iii) be read as under :-

"(iii) Respondents Nos.1 to 3 are directed to deposit Rs.3,32,135/-including No Fault Liability with interest @ 7.5% per annum from the date of petition till its realisation with the Registry of this Court within a period of twelve weeks from today. Thereafter, the appellant shall be entitled to withdraw the said amount after deducting the deficit Court fee."

3. Rest of the judgment remains as it is.

4. Let the 10% of the amount be deposited in this Court within a period of one week.

5. Application stands disposed.

(Abhay Ahuja, J.)