

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO.10360 OF 2023
IN FA/1755/2014**

UNITED INDIA ASSURANCE COMPANY LTD. THR ITS DEPUTY
MANAGER T.P. CELL, AURANGABAD
VERSUS
NAZMIN BEGUM SK. SHABBIR AND OTHERS

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Advocate for Applicant : Mr. Rathi Swapnil S.
Advocate for Respondent Nos.1 to 6: Mr. A. P. Khedkar
Advocate for Respondent Nos.7 and 8: Ms. S. T. Kazi h/f Mr. S. H.
Pathan

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 19.08.2023

PER COURT :

1. Heard the learned Advocate appearing for the respective parties.
2. This application is filed seeking modification in the operative part of the judgment dated 26/07/2023 passed by this Court in First Appeal No.1755/2014.
3. Mr. Rathi, learned Advocate appearing for the applicant invites attention of this Court towards the operative part of the judgment passed by the Tribunal dated 26/05/2014. He submits that vide clause nos.7(A) to 7(D), the insurance company was permitted to recover the amount of compensation from respondent no.1 i.e. owner of the vehicle. This Court, in First

Appeal No.1755/2014 filed by the insurance company along with cross objection filed by the original claimants, modified the compensation amount awarded by the Tribunal. However, the operative part of the judgment passed in appeal do not make reference to the stipulations similar to clause nos.7(A) to 7(D) appearing in the order of the Tribunal. He would submit that since there is no disturbance to the recovery rights granted in favour of the insurance company in the order passed by this Court, the same clause needs to be given effect in the operative part of the appellate order.

4. Learned Advocate appearing for the respondents do not dispute the aforesaid contentions.
5. In view of the submissions advanced, civil application is allowed. In clause no.(A) of the judgment dated 26/07/2023, the following line shall be added:

“subject to clause nos.7(A) to 7(D) of the operative part in the order of the Tribunal.”
6. Civil Application is disposed of accordingly.

[S. G. CHAPALGAONKAR]
JUDGE