

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

**902 CIVIL APPLICATION NO.12603 OF 2023
IN FA/1965/2018**

**JAYSHREE NARENDRA PATIL AND ORS
VERSUS
RELIANCE GENERAL INSURANCE CO., THR ITS MANAGER, AURANGABAD
AND ANR**

Mr.V.B. Patil, Advocate for the applicants.

Mr.S.S.Patil h/f. Mr.V.P. Raje and Mr.R.H. Dahat, Advocate for respondent No.1.

**CORAM : KISHORE C. SANT, J.
DATED : 19.10.2023**

PC :-

01. This application is filed for modification of order passed by this Court dated 11.08.2022 in First Appeal No.1965 of 2018. This Court though in the judgment has observed that respondent Nos.1 to 3 are entitled for the amount of compensation, however, in the operative order typographical mistake is committed and in clause (ii) of the operative order it is stated that respondent Nos. 1 and 2 are entitled for compensation. A clarification is sought only to that extent. The learned Advocate for the respondent also fairly accepts that there is typographical error and same needs to be corrected.

02. The learned Advocate for the respondents, however, further objected to prayer clause (C) of the application, wherein the applicants have prayed to allow to withdraw the entire amount with accrued interest deposited in the First Appeal. He submits that this Court by a specific order

had reduced the rate of interest on the amount of compensation from 9% p.a. to 6% p.a. If the prayer clause (C) is seen as it is, then the applicant would receive more amount as while depositing the amount the appellant insurance company had deposited the amount by calculating interest @ 9% p.a. and thus the amount deposited in the Court is more than the amount to which the applicants are entitled to.

03. Considering this submission this Court finds it proper to allow the present application. Clause (ii) of the operative order shall be read as under :-

ii] Respondent Nos.1 to 3 are entitled for compensation of Rs.28,99,800/- @ 6% per annum from the date of filing of the claim petition till its realization. This rate of interest would be applicable to the amount which is yet to be withdrawn. It would not be applicable to the amount already withdrawn by respondent Nos. 1 to 3.”

04. The amount already withdrawn shall be adjusted, while the remaining amount shall be transferred to the sole appellant in the first appeal i.e. respondent No.1 herein.

05. The civil application is accordingly allowed and disposed off.

[KISHORE C. SANT, J.]