

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 1158 OF 2001

Kolhapur Zilla Parishad

... Appellant

Versus

Ushatai Maruti Dongre and Ors.

... Respondents

WITH

FIRST APPEAL NO. 120 OF 2000

State of Maharashtra

... Appellant

(Through the Director of Insurance)

Versus

Ushatai Maruti Dongre and Ors.

... Respondents

Ms. Sarika Shetye, Advocate for the Appellant in FA/1158/2001.

Mr. R. S. Pawar, AGP for the Appellant in FA/120/2000 and for Respondent No.7 in FA/1158/2001.

Mr. V. B. Rajure, Advocate for Respondent No.1(1) to 1(4) and 2 to 5 in FA/120/2000.

CORAM : SHIVKUMAR DIGE, J.

DATE : 16th JANUARY, 2024.

P.C. :

1. Not on board. Learned counsel for respondent Nos. 1 to 5/claimants has moved this matter by way of praecipe dated 16th January 2024 for speaking to minutes of Judgment dated 19th December, 2023.

2. Learned counsel for the claimants submitted that some corrections are required to be made while calculating the compensation. He has annexed the chart showing just compensation to his praecipe and requested to incorporate the same in the judgment and has also

requested to correct the enhanced amount in paragraph 7 (iv) of the said judgment from Rs.51,000/- to “Rs.2,76,000/-”.

4. Learned counsel for appellant and learned counsel for respondent No.7 has no objection for it.

5. In view of above, second last subparagraph of paragraph No.6 is substituted and read as under :

“ The Tribunal has awarded consortium amount on lower side. As per the view of Hon’ble Apex Court in **Magma General Insurance Co. Ltd.(supra)** each claimant is entitled for Rs.48,000/- as consortium, Rs.18000/- for funeral expenses and Rs.18,000/- for loss of estate. There are five claimants, the total amount comes to Rs.2,76,000/-.

In view of above, the claimants are entitled for following compensation:

	Particulars	Rs.	Entitlement
1	Monthly Income i.e. salary	Rs.	3,000.00
2	Must have spent for own expenses i.e. deductions	Rs.	1,000.00
3	Dependency (3000 – 1000)	Rs.	2,000.00
4	Multiplier 10 (2000 X 10)	Rs.	20,000.00
5	Yearly Income (20,000 X 12) = Total compensation	Rs.	2,40,000.00
	Total Compensation – (No fault liability) (2,40,000 – 15,000)	Rs.	2,25,000.00
6	Loss of consortium 48,000 X 5 (claimants)	Rs.	2,40,000.00
7	Funeral Expenses	Rs.	18,000.00
8	Loss of Estate	Rs.	18,000.00
9	Total Compensation (2,40,000+2,76,000)	Rs.	5,16,000.00
10	Less already awarded by Tribunal	Rs.	2,40,000.00
11	Total compensation payable (5,16,000-2,40,000)	Rs.	2,76,000.00

The claimants are entitled for enhanced amount of Rs.2,76,000/-.”

6. Clause (iv) of Paragraph No.7 be substituted and read as under :

“(iv)The claimants are entitled for enhanced amount of Rs.2,76,000/- @ 7.5% from 1st November 2017 till realisation of the amount.”

7. Necessary corrections be carried out in the original judgment and the corrected judgment be uploaded on the official website.

8. The praecipe is disposed of.

(SHIVKUMAR DIGE, J.)