

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
FIRST APPEAL NO. 1875 OF 2005

Subhash Keshavrao Kulkarni and Ors. Appellants

Versus

S. Nazir Khan and Ors. Respondents

None for the Appellants.

Ms. D. Shalini Shankar, for Respondent No.2 (appearing through VC).

Mr. Nikhil Mehta i/b KMC Legal Venture, for Respondent No.3.

CORAM : SHIVKUMAR DIGE, J.

DATE : 29th JANUARY, 2025.

P.C. :

1. Not on board. Upon mentioning, taken on production board.

2. This praecipe is moved for modification of Clause No. (iii) of the operative part of the judgment dated 26th November, 2024.

3. Heard learned counsel for Respondent No.2 and learned counsel for Respondent No.3.

4. Learned counsel for the Respondent No.3/Insurance Company seeks modification in the operative order of the judgment

passed by this Court on 26th November, 2024.

5. Learned counsel for Respondent No.3 submits that this Court has disposed of the Appeal No.1875 of 2018, and directed Respondent Nos.2 and 3 to pay the compensation amount,. However, in fact, Respondent No.3-United India Insurance Company was exonerated by the trial Court from paying the compensation, therefore, Respondent No.3 is not liable to pay compensation.

6. Considering the submissions of both learned counsel and the fact that Respondent No.3 has been exonerated from paying the compensation by the Tribunal, and, I pass following order:-

ORDER

i. In the operative part of the judgment, Clause No.3 is modified as under:-

“iii. The Respondent No.2 shall deposit the enhanced amount along with accrued interest thereon within six weeks after receipt of the order. The Appellants/Claimants are permitted to withdraw the deposited amount along with accrued interest thereon.”

7. In view of above, the praecipe stands disposed of.

(SHIVKUMAR DIGE, J.)