



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

MISC. CIVIL APPLICATION NO.735 OF 2024 IN
FIRST APPEAL NO.1958 OF 2019

Smt. Sangita Wd/o Vivek Deshmukh and others Vs. MSRTC and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri Madhur Deo, Advocate for appellant.
Shri A.D. Sonak, Advocate for respondent no.1.

CORAM : M.W. CHANDWANI, J.
DATE : 15.10.2024.

1. By this application, the applicants seek review of the order dated 11.07.2024 passed in First Appeal No.1958/2019.

2. Needless to mention that the impugned award passed by the Motor Accident Claims Tribunal, Chandrapur (fort short, "Tribunal") was challenged in the first appeal on the ground of awarding less compensation by the Tribunal. It is relevant to mention here that no cross-objection or cross-appeal was filed by the respondents. The first appeal was heard and partly allowed thereby compensation has been enhanced. However, while awarding enhanced compensation the interest part awarded by the Tribunal remained to be incorporated in the operative order.

3. Though the application is objected on the ground that the Court cannot sit in appeal on its own order. In my view, the application has qualified test of review since there appears to be an error on the face of record, more

particularly when no discussion has been made in the appeal as to why the applicants are not entitled for interest, that too which is awarded by the Tribunal and the respondents did not challenge the interest granted by the Tribunal by filing cross-objection or cross-appeal. Therefore, I find substance in the arguments of the learned counsel for the applicants that the applicants are not only entitled for the interest at the rate of 7.5% per annum on the amount awarded by the Tribunal but also, on the enhanced amount of compensation. The application is allowed and consequently, para No.15 of the judgment and order dated 11.07.2024 is corrected to be read as under:

“15. In view of above said discussion, the appeal is allowed in the above terms. Accordingly, the impugned judgment and award is modified as under:

The respondents shall pay an amount of Rs.34,31,760/- (Rs. Thirty Four Lakhs Thirty One Thousand Seven Hundred Sixty) towards compensation to the appellants alongwith interest at the rate of 7.5% per annum from the date of claim petition till the date of its realization.”

4. Accordingly, correction be carried out in judgment and order dated 11.07.2024.

5. The application stands disposed of.

JUDGE

Wagh